



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 26]

शिमला, शनिवार, 26 अगस्त, 1978/4 भाद्रपद, 1900

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26 अगस्त, 1978/4 भाद्रपद, 1900 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
1	2	3
संख्या 7-4/76, इलैक, दिनांक 22 अगस्त, 1978.	निर्वाचन विभाग	जिला कांगड़ा की सभी ग्राम सभाओं [ग्राम सभा बंगोली मोहारा तथा सौरिया खास (देहरा विकास खण्ड) के अतिरिक्त] के समस्त निर्वाचन क्षेत्रों से ग्राम पंचायतों के लिये पंच, प्रधान तथा उप-प्रधान के ग्राम सभा सदस्यों द्वारा सीधे निर्वाचन हेतु आह्वान।
संख्या 7-31/72-इलैक-II, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला मण्डी
संख्या 7-19/72-इलैक-II, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला सोलन
संख्या 7-15/74-इलैक, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला लाहौल-स्पिति
संख्या 7-24/72-इलैक-II, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला शिमला
संख्या 7-30/72-इलैक-II, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला हमीरपुर
संख्या 7-27/72-इलैक-II, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला सिरमौर
संख्या 7-20/72-इलैक, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला किन्नौर
संख्या 7-32/72-इलैक-II, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला कुल्लू
संख्या 7-15/75-इलैक, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला चम्पा
संख्या 7-34/72-इलैक-II, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला ऊना
संख्या 7-28/72-इलैक, दिनांक 22 अगस्त, 1978.	-यथैव-	जिला बिलासपुर

को सभी ग्राम सभाओं के समस्त निर्वाचन क्षेत्रों से ग्राम पंचायतों के लिये पंच, प्रधान तथा उप-प्रधान के ग्राम सभा सदस्यों द्वारा सीधे निर्वाचन हेतु आह्वान।

# भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

## हिमाचल प्रदेश हाई कोर्ट

### NOTIFICATION

Simla, the 7th August, 1978

No. HHC/Admn. 6(15)/74-5400.—In exercise of the powers vested in them by sub-section (2) of section 12 of the Code of Criminal Procedure, 1973, the Hon'ble the Chief Justice and Judges are pleased to appoint the Chief Judicial Magistrate, Lahaul & Spiti district to be the Additional Chief Judicial Magistrate, Kulu district, Himachal Pradesh with immediate effect.

By order,  
H. D. KAINTHLA,  
Registrar.

### OFFICE ORDER

Simla-1, the 10th August, 1978

No. HHC/Admn. 1(26)/72.—The Hon'ble the Chief Justice is pleased to confirm the following officers of this Court against the posts and with effect from the dates shown their names:—

Sl. No.	Name	Post against which confirmed	Date from which confirmed
1.	Sh. Parma Nand Verma.	Reader to Hon'ble Judges in the scale of Rs. 500—900.	11-11-1971
2.	Sh. Mehar Singh Verma.	-do-	5-3-1977
3.	Sh. Maya Datt Kaushal	Private Secretary to Hon'ble Judges in the scale of Rs. 500—900.	Provisionally confirmed with effect from 8-11-1977.

The confirmation of Shri Mehar Singh Verma at No. 2 above is, however, subject to the decision of the writ petition filed by Shri Surar Singh Verma against his appointment.

H. D. KAINTHLA,  
Registrar.

### NOTIFICATIONS

Simla-1, the 11th August, 1978

No. HHC/GAZ/14-33/74.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction to the grant of 10 days earned leave with effect from 12-6-1978 to 21-6-1978, with permission to prefix 2nd Saturday and Sunday falling on 10th & 11th June, 1978, in favour of Shri Rameshwar Sharma, Sub-Judge-cum-Judicial Magistrate, Nurpur, District Kangra, Himachal Pradesh.

Certified that Shri Rameshwar Sharma would have continued to officiate as Sub-Judge-cum-Judicial Magistrate, Nurpur, Kangra, Himachal Pradesh but for his proceeding on leave.

Also certified that Shri Rameshwar Sharma has joined the same post at the same station from where he had proceeded on leave.

By order,  
Sd/-  
Deputy Registrar (Admn.).

Simla-1, the 14th August, 1978

No. HHC/Admn. 16(13)/74-5533.—In exercise of the powers vested in them by section 139 (b) of the Code of Civil Procedure, the Hon'ble the Chief Justice and Judges are pleased to appoint Shri Suresh Kumar Bhardwaj,

Advocate, Simla as Oath Commissioner for a period of two years from the date of the issue of this notification for the District Courts, Simla, for administering oath/affirmation on affidavits, to the deponents under the said Code, in accordance with the terms specified in paragraph 5, Chapter 12-B, Punjab High Court Rules and Orders Vol. IV, as applied to Himachal Pradesh.

By order,  
H. D. KAINTHLA,  
Registrar.

Simla-1, the 16th August, 1978

No. HHC/GAZ/14-24/74-5525.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction to the grant of one day's earned leave for the 26th June, 1978 in favour of Shri Raja Ram, Senior Sub-Judge-cum-Chief Judicial Magistrate, Sirmur district at Nahan.

Certified that Shri Raja Ram has joined this duties at the same station from where he had proceeded on leave.

Certified that Shri Raja Ram would have continued to work as Senior Sub-Judge-cum-Chief Judicial Magistrate, Sirmur at Nahan but for his proceeding on leave.

By order,  
Sd/-  
Deputy Registrar (Admn.).

Simla-1, the 17/19th August, 1978

No. HHC/Admn. 16(20)/75-5609.—In exercise of the powers vested in them by section 139(b) of the Code of Civil Procedure, the Hon'ble the Chief Justice and Judges of the High Court of Himachal Pradesh are pleased to appoint Shri Kashmir Singh Chandel, Advocate as Oath Commissioner for Ghumarwin Sub-Division at Ghumarwin, District Bilaspur, for administering oath/affirmation on affidavits to the deponents under the said Code, in accordance with the terms specified in paragraph 5, Chapter 12-B, Vol. IV of Punjab High Court Rules and Orders as applied to Himachal Pradesh.

By order,  
H. D. KAINTHLA,  
Registrar.

## हिमाचल प्रदेश सरकार

### JINDRALAL COMMISSION OF INQUIRY HIMACHAL PRADESH ORDERS

Simla-2, the 29th July, 1978

No. COI/Sec/A-(1)-4/78/505-12.—In exercise of the powers conferred by sub-section (1) of section 5-A of the Commissions of Inquiry Act, 1952 (Act No. 60 of 1952), the Commissions of Inquiry, appointed by the Government of Himachal Pradesh, Department of Personnel notification No. Per (Vig)-A-7(260)/77, dated the 9th December, 1977 hereby utilizes with effect from his date of joining this Commission of Inquiry, the services of Shri T. R. Mahajan, Superintendent of Police, Himachal Pradesh, for the purpose of conducting investigations pertaining to the Inquiry. This order of utilisation of his services by the Commission of Inquiry issues with the concurrence of the Government of Himachal Pradesh vide Government of Himachal Pradesh, Department of Personnel Order No. Per (A-I) B(6)-4/78, dated the 6th July, 1978 by which his services have been placed at the disposal of the Commission.

Simla-2, the 29th July, 1978

No. COI/Sec(A-1)-4/78/512-19.—In exercise of the powers conferred by sub-section (1) of section 5-A of the Commissions of Inquiry Act, 1952 (Act No. 60 of 1952), the Commission of Inquiry, appointed by the Government of Himachal Pradesh, Department of Personnel notification No. Per (Vig)-A-7 (260)/77, dated the 9th December, 1977, hereby utilises with effect from his date of joining this Commission of Inquiry, the services of Shri Amar Singh Guleria, Deputy Superintendent of Police, Himachal Pradesh, for the purpose of conducting investigations pertaining to the inquiry. This order of utilisation of his services by the Commission of Inquiry, issues with the concurrence of the Government of Himachal Pradesh, vide Govt. of Himachal Pradesh, Department of Personnel Order No. Per (A-1)B(2)-7/78, dated the 30th June, 1978 by which his services have been placed at the disposal of the Commission.

By order,  
M. S. MUKHERJEE,  
Secretary.

## PERSONNEL DEPARTMENT

### NOTIFICATION

Simla-2, the 14th July, 1978

No. PER(A-1)-B(3)-39/78.—The Governor, Himachal Pradesh is pleased to declare the post of Deputy Inspector General of Police in Jindra Lal Commission as equivalent in status and responsibilities to the post of Deputy Inspector General of Police, Himachal Pradesh which is included in the schedule to the Indian Police Service (Fixation of Cadre Strength) Regulations, 1955 as required under rule 9 (1) of the Indian Police Service (Pay) Rules, 1954.

L. H. TOCHHAWNG,  
Chief Secretary.

### ORDER

Simla-2, the 5th August, 1978

No. PER(AP-II)-B(3)-16/74.—Whereas Shri Milkhi Ram Bhatti was appointed to the Himachal Pradesh Judicial Service under sub-rule (1) of rule 5 of Part III-C of the Himachal Pradesh Judicial Service Rules, 1973 vide this department's notification No. 8-5/69-DP (Apptt-II), dated 30th July, 1974 with effect from 21st August, 1974;

Whereas under sub-rule (2) (a) of sub-part C (Appointment, Probation and Confirmation) of rule 5 (Method of Recruitment) of the Himachal Pradesh Judicial Service Rules, 1973 Shri Bhatti was on probation for a period of two years commencing from 21st August, 1974; and the probation period was last extended upto 20th August, 1978 vide this department's notification No. PER (AP-II)-B(10)-1/76, dated 10th August, 1977 read with notification of the same number, dated 18/20th July, 1978;

Whereas the Governor of Himachal Pradesh is, on the recommendation of the Himachal Pradesh High Court, of the opinion that Shri Milkhi Ram Bhatti should be discharged from the Himachal Pradesh Judicial Service;

Therefore, the Governor of Himachal Pradesh on the recommendations of the Himachal Pradesh High Court is pleased to order under sub-rule (2)(c) of sub-part C (Appointment, Probation and Confirmation) of rule 5 (Method of Recruitment) of the Himachal Pradesh Judicial Service Rules, 1973, that the aforesaid Shri Milkhi Ram Bhatti a member of the Himachal Pradesh Judicial Service at present posted as Subordinate Judge-cum-Judicial Magistrate, Una shall be discharged from the Himachal Pradesh Judicial Service with effect from the date of receipt of this order by him, or 11th August, 1978 whichever is later.

## NOTIFICATIONS

Simla-2, the 11th August, 1978

No. 10-4/72-DP-Apptt(A-I).—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri J. C. Sachdeva, C.S.S. Officer, to be the Executive Magistrate, with all the powers of an Executive Magistrate under the said Code, to be exercised within the local limits of Simla district with immediate effect upto 30th April, 1979.

K. C. SHARMA,  
Joint Secretary.

Simla-2, the 14th August, 1978

No. PER(A-I)-B(2)-10/78.—The Governor, Himachal Pradesh is pleased to declare the ex-cadre post of Under Secretary Jindra Lal Inquiry Commission as duty post of Himachal Pradesh Administrative Service temporarily under rule 2(f) of H. P. A. S. Rules, 1973 with effect from the date of filling till further orders.

L. H. TOCHHAWNG,  
Chief Secretary.

Simla-2, the 14th August, 1978

No. 10-3/72-DP(Apptt).—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973 the Governor, Himachal Pradesh is pleased to appoint Shri Karam Singh, H.A.S., Additional District Magistrate, District Mandi to be an Executive Magistrate with all the powers of an Executive Magistrate under the said Code to be exercised within the local limits of District Mandi with immediate effect.

2. In exercise of the powers conferred by sub-section (2) of section 20 of the Code of Criminal Procedure, 1973 the Governor, Himachal Pradesh is further pleased to appoint Shri Karam Singh, H.A.S., an Executive Magistrate to be an Additional District Magistrate with all the powers of District Magistrate under the aforesaid Code or under any other law for the time being in force within the local limits of District Mandi with immediate effect.

3. The Governor is further pleased to appoint Shri Karam Singh, H.A.S., as Additional District Magistrate with all the powers of the Deputy Commissioner, District Mandi.

K. C. SHARMA,  
Joint Secretary.

## PERSONNEL (VIGILANCE) DEPARTMENT

### NOTIFICATION

Simla-171002, the 14th August, 1978

No. Per.(Vig.) A-9(7)/78.—Consequent upon his appointment as Government Counsel for defending all Government cases before the Jindra Lal Commission of Inquiry, Shri K. S. Patyal, has assumed the charge of the Government Counsel on the forenoon of the 6th May, 1978.

A. K. MOHAPATRA,  
Joint Secretary.

## AGRICULTURE DEPARTMENT

### NOTIFICATION

Simla-2, the 28th July, 1978

No. Agr.B(2)-3/78.—The Governor, Himachal Pradesh is pleased to place the services of Shri Prem Parkash Gupta, Asstt. Agricultural Marketing Officer, Simla, at the disposal of Himachal Pradesh Marketing Board, Simla for appointment as Secretary, Market Committee, Simla, on deputation (foreign service) for a period of one year w.e.f. 1-8-1978 on the usual terms and conditions.

2. The Governor, Himachal Pradesh is further pleased to order the posting of Shri Dharam Singh (presently on deputation as Secretary, Market Committee, Simla) as Assistant Agricultural Marketing Officer, Simla in place of Shri Prem Parkash Gupta proceeding on deputation.

By order,  
ANANG PAL,  
Secretary.

शिक्षा विभाग

अधिसूचना

शिमला-2, 24 जून, 1978

संख्या 9-7/71-सेक-एजु-ए.—इस सरकार के अधिसूचना सम संख्या, दिनांक 23-9-1978 के आंशिक संशोधन में, राज्यपाल, हिमाचल प्रदेश क्रीड़ा परिषद् को पुनः स्थापित करने तथा निम्नलिखित सदस्यों को मनोनीत करने के लिए तत्काल अपनी स्वीकृति सहाय्य प्रदान करते हैं—

अधिकारी :

- |   |             |
|---|-------------|
| 1. मुख्य मन्त्री, हिमाचल प्रदेश               | प्रधान      |
| 2. शिक्षा मन्त्री, हिमाचल प्रदेश              | उप-प्रधान   |
| 3. शिक्षा निदेशक, हिमाचल प्रदेश               | सदस्य-सचिव  |
| 4. उप-शिक्षा निदेशक (क्रीड़ा), हिमाचल प्रदेश। | सहायक सचिव। |

समद/राज्य विधान सभा सदस्य :

- |  |       |
|--|-------|
| 5. श्री बालक राम मंसूख सदस्य                           | सदस्य |
| 6. कैप्टन प्रताप चौधरी, हिमाचल प्रदेश विधान सभा सदस्य। | सदस्य |

चार गैर सरकारी सदस्य :

- |   |       |
|---|-------|
| 7. डा० एन० एस० नेगी, उप-कुलपति, हिमाचल प्रदेश विश्वविद्यालय, शिमला-5. | सदस्य |
|---|-------|

प्रधान :

- |  |       |
|--|-------|
| 11. श्री जी० एस० पुरेवाल, प्रधान                 | सदस्य |
| 12. श्रीमती विद्या स्टोक, धानेश्वर, हाकीकैंडेशन। | सदस्य |

बोमर्च थ्रेष्ट स्पोर्ट्समैन/बुमैन

- |  |       |
|--|-------|
| 13. श्री चरनजीत सिंह, हिमाचल प्रदेश विश्वविद्यालय। | सदस्य |
| 14. मिय मधुला जंग, नाहन पदेन सदस्य :               | सदस्य |
| 15. कृषि उत्पादक आयुक्त, हिमाचल प्रदेश, शिमला-2.   |       |
| 16. सचिव (शिक्षा), हिमाचल प्रदेश सरकार, शिमला।     |       |
| 17. सचिव (वित्त) हिमाचल प्रदेश सरकार, शिमला।       |       |

- |   |
|---|
| 18. इन्स्पेक्टर जनरल पुलिस, हिमाचल प्रदेश, शिमला। |
| 19. निदेशक, पर्वतारोहण संस्थान, मनाली।            |

20.

2. इस परिषद् की अवधि तीन साल होगी।

3. यह राज्य वित्त विभाग की पूर्ण स्वीकृति उनके डायरी संख्या 1330-पिन (सी)(बी) 1/78, दिनांक 12-6-78 द्वारा प्राप्त करने के पश्चात् जारी किया गया है।

भगत चन्द्र नेगी,

सचिव।

श्रम, रोजगार तथा मुद्रण विभाग

अधिसूचना

शिमला-171002, 5 अगस्त, 1978

सं० 4-23/76-श्रम(स्था).—राज्यपाल, हिमाचल प्रदेश, लोक सेवा आयोग से प्रामर्श के पश्चात्, श्री सोम दत्त को सहायक नियंत्रक मुद्रण, द्वितीय श्रेणी राजपत्रित के पद पर रुपये 300-800 के वेतनमान में 13-6-78 से 30-9-78 तक या जब तक यह पद स्थाई रूप से न भरा जावे, जो भी पहले हो, तदर्थ नियुक्ति जारी रखने की सहर्ष स्वीकृति प्रदान करते हैं।

आदेश से,

हस्ताक्षरित,

सचिव।

## PUBLIC WORKS DEPARTMENT

### NOTIFICATION

Simla-2, the 27th July, 1978

No. 1-49/69-PWD Vol. IV.—The Governor, Himachal Pradesh is pleased to order transfers/postings of the following Assistant Engineers in the H.P. P.W.D. with immediate effect in the interest of public service. They will move immediately to the places of their postings, either after relinquishing the charge or after handing it over to the senior most Junior Engineers at the headquarters:—

1. Shri Hussan Lal (on promotion) is posted in the Irrigation Project, Sub-Division Majra.
2. Shri Ram Saroop (on promotion) is posted in the Irrigation-cum-Public Health Sub-Division, Kalpa.
3. Shri D. R. Goswami (on promotion) is posted as A. S. O. W. (Investigation Unit) in the office of the Superintending Engineer, Irrigation, Public Health Circle, Simla.
4. Shri Sham Lal Aggarwal (on promotion) is posted in the Oachaghat Sub-Division (B&R).
5. Shri Sahib Singh (on promotion) is posted in B&R Sub-Division, Kaza.
6. Shri Kirpal Singh (on promotion) is transferred from Pangna Sub-Division (B&R) and posted in Sarkaghat Sub-Division II vice Shri P. S. Dogra, transferred.
7. Shri R. C. Jagota (on promotion) is posted in the Irrigation and Public Health Sub-Division, Koti.
8. Shri Gagan Singh (on promotion) is posted in the B&R Sub-Division, Janjehli.
9. Shri G. K. Aggarwal (on promotion) is posted in the Irrigation and Public Health Sub-Division, Karsog.



10. Shri Mohinder Singh (on promotion) is posted in the Irrigation and Public Health Sub-Division, Una in place of Shri T. R. Azad since promoted.
11. Shri Varinder Kumar (on promotion) is posted in the Irrigation and P H Sub-Division, Santekhgarh.
12. Shri Jagjit Singh Kanwar (on promotion) is posted in the Irrigation and P H Sub-Division, Una.
13. Shri Amrik Singh (on promotion) is posted in the Irrigation and P H Sub-Division Rampur.
14. Shri Hardyal Singh (on promotion) is posted in the Irrigation and P H Sub-Division Chango Kinnaur (now shifted to Hurling).
15. Shri Prem Dass (on promotion) is posted in the Irrigation and P H Sub-Division, Poanta Sahib in place of Shri P. S. Malhotra.
16. Shri Lal Singh Bains (on promotion) is posted in the Irrigation and P H Sub-Division, Rohru.
17. Shri Pritam Dass (on promotion) is posted in the Irrigation and P H Sub-Division, Salooni.
18. Shri Narian Singh (on promotion) is posted in the Investigation Sub-Division, Chamba.
19. Shri Jai Singh Verma (on promotion) is transferred and posted in Irrigation and P H Sub-Division, Kangra.
20. Shri Lal Chand (on promotion) is posted in Irrigation and P H Sub-Division, Kibber.
21. Shri Bias Dev Verma (on promotion) is posted in new Sub-Division, Bharmaur.
22. Shri T. P. Bhatnagar (on promotion) is posted in Irrigation and P H Sub-Division, Pooh.
23. Shri P. C. Thakur (on promotion) is posted in Sissu B & R Sub-Division (to be shifted to Key-long—Building Sub-Division).
24. Shri Ram Nath Malpa (on promotion) is posted in Irrigation and P H Sub-Division, Lossar.
25. Shri Shiv Dass (on promotion) is posted in Irrigation and P H Sub-Division, Haripur Guler.
26. Shri Singe Ram (on promotion) is posted in Irrigation and P H Sub-Division, Indora.
27. Shri Narinder Singh (on promotion) is posted in Irrigation and P H Division, Dharamsala.
28. Shri D. N. Amrik (on promotion) is posted in the Chief Engineer's Office (Design) *vice* Shri D. K. Gupta.
29. Shri Gurmit Singh (on promotion) is posted in Irrigation and P H Sub-Division, Udaipur.
30. Shri Ajit Singh (on promotion) is posted in the newly created Irrigation and P H Sub-Division II at Hamirpur.
31. Shri S. L. Dhap (on promotion) is posted in Irrigation and P H Sub-Division, Nirmand *vice* Shri Daljit Singh Kalsi.
32. Shri Relu Ram (on promotion) is posted in Irrigation and P H Sub-Division, Kilar.
33. Shri Avtar Singh (on promotion) is posted in Irrigation and P H Sub-Division, Leo.
34. Shri Om Parkash (on promotion) is posted in Irrigation and P H Sub-Division No. I, Chamba.
35. Shri Tilak Raj (on promotion) is posted in Development Department as Assistant Engineer, Bilaspur.
36. Shri Jai Pal Singh (on promotion) is posted in Irrigation and P H Sub-Division Dharampur, District Mandi.
37. Shri S. K. Bansal, A. S. O. W. 2nd Circle, Simla is transferred and posted in Pangra Sub-Division *vice* Shri Kirpal Singh.
38. Shri P. S. Malhotra, on return from leave is transferred and posted as Assistant Engineer, Investigation Sub-Division Palampur, (new Sub-Division).
39. Shri Panchhi Ram is transferred from Sissu Sub-Division to Tandri Sub-Division (B&R) at Lari *vice* Shri Bal Mukand Dhiman.
40. Shri Balmukand Dhiman is transferred from Tandri Sub-Division (B&R) Lari and posted in Labour Registration Sub-Division, Sizzling *vice* Shri M. R. Chawla.
41. Shri M. R. Chawla transferred from Labour Regn. Sub-Division, Sizzling and posted in Berthin Sub-Division (B&R) against vacant post.
42. Shri D. K. Gupta transferred from Chief Engineer's Office (Design) and posted in National High Way Sub-Division, Aut against vacant post.
43. Shri Vijay Kumar Sharma transferred from Giri Irrigation Circle Nahan and posted in Irrigation and PH Sub-Division, Una *vice* Shri S. S. Malhotra.
44. Shri S. S. Malhotra transferred from I& PH Sub-Division Una and posted in Irrigation & PH Sub-Division, Chadhiar (new Sub-Division).
45. Shri Kehar Singh Sahota transferred from I and P H Sub-Division, Hamirpur and posted in I and P H Sub-Division, Sundernagar *vice* Shri R. N. Sharma transferred.
46. Shri R. N. Sharma transferred from I and P H Sub-Division, Sundernagar and posted in Investigation Sub-Division, Hamirpur (new Sub-Division).
47. Shri B. D. Sharma transferred from Chowari Sub-Div. (B and R) and posted in Solan Sub-Division (III) *vice* Shri R. K. Sharma.
48. Shri R. K. Sharma transferred from Solan Sub-Division No. III and posted as A. S. O. W. in 3rd Circle, Himachal Pradesh Public Works Department, Solan *vice* Shri V. K. Bhandari transferred.
49. Shri V. K. Bhandari transferred and posted in Sub-Division, Peo against a vacant post.
50. Shri R. C. Vashishat, on leave, is posted on return from leave in Chowari Sub-Division *vice* Shri B. D. Sharma.
51. Shri J. S. Chauhan, Poanta Sub-Division II is transferred and posted at Rajgarh Sub-Division *vice* Shri M. L. Gupta.
52. Shri M. L. Gupta transferred from Rajgarh Sub-Division and posted in Kangra B and R Sub-Division against vacant post.

53. Shri Vijay Pal, Medical College Sub-Division I is transferred and posted in Sub-Division, Thural vice Shri K. S. Parmar transferred.
54. Shri K. S. Parmar, Thural Sub-Division is transferred and posted in Sub-Division, Bhawarna (new Sub-Division).
55. Shri K. K. Gupta, Irrigation and Public Health Sub-Division, Nurpur (now shifted to Jawali) is transferred and posted in Nurpur Sub-Division I vice Shri Balbir Singh.
56. Shri Balbir Singh, Nurpur Sub-Division I is transferred and posted in Sansarpur Terrace Sub-Division vice Shri Dilbag Singh.
57. Shri Dilbag Singh, Sansarpur Terrace Sub-Division is transferred and posted in Store Sub-Division, Pathankot vice Shri N. K. Jindal.
58. Shri N. K. Jindal, Store Sub-Division Pathankot is transferred and posted in Nurpur Sub-Division II against vacant post.
59. Shri Arun Mahajan, A. S. O. W. 1st Circle Mandi is transferred and posted in Jogindernagar Sub-Division I vice Shri Bishamber Dass Sharma.
60. Shri Bishamber Dass Sharma, Jogindernagar Sub-Division is transferred and posted in Dhalliara Sub-Division vice Shri S. C. Arora.
61. Shri S. C. Arora, Dhalliara Sub-Division is posted in Kasauli Sub-Division against a vacant post (without T. T. A.).
62. Shri C. L. Kapoor, F. O. 4th Circle, Simla is transferred and posted as Asstt. Engineer, National Highway Sub-Division, Simla vice Shri V. K. Khurana.
63. Shri V. K. Khurana is posted as A. S. O. W. in 1st Circle, Mandi.
64. Shri S. N. Chandra, A. S. O. W. 4th Circle, Simla is transferred and posted as A. S. O. W. in Chief Engineer's Office.
65. Shri Saish Sagar, A. S. O. W. is posted in Sub-Division, Theog vice Shri Amar Singh Chauhan transferred.
66. Shri Amar Singh Chauhan, Theog Sub-Division is transferred and posted in Haripurdhar Sub-Division vice Shri J. P. Verma.
67. Shri J. P. Verma, Haripurdhar Sub-Division is posted in Kotkhai Sub-Division against vacant post.
68. Shri Yudhishtar Raj Sharma, Roharu Sub-Division I is transferred and posted in Hamirpur Sub-Division I against vacant post.
69. Shri B. B. Kaushal, Bhoranj Sub-Division is transferred and posted in Jawali Sub-Division against vacant post.
70. Shri Inder Singh, Pangti Sub-Division Kalpa is transferred and posted in Bhoranj Sub-Division vice Shri B. B. Kaushal (without T. T. A.).
71. Shri K. P. Goel, F.O. 3rd Circle, Solan is transferred and posted in Rohru Sub-Division II vice Shri G. R. Kondal transferred.
72. Shri G. R. Kondal, Rohru Sub-Division II is posted in Ghumarwin Sub-Division I vice Shri A. K. Mahajan transferred.
73. Shri A. K. Mahajan, Ghumarwin Sub-Division I is posted in Chamba Sub-Division III vice Shri A. S. Khan transferred.
74. Shri A. S. Khan, Chamba B & R Sub-Division, III is transferred and posted in Hamirpur Sub-Division No. II vice Shri S. K. Kanwal transferred.
75. Shri S. K. Kanwal Hamirpur Sub-Division II is transferred and posted in Arki Sub-Division vice Shri S. K. Sharda.
76. Shri S. K. Sharda, Arki Sub-Division is transferred and posted in Mandi Sub-Division III against vacant post.
77. Shri Neelmani Kapoor, F. O. 5th Circle Dharamsala is transferred and posted in Investigation Sub-Division, Mandi.
78. Shri D. K. Sharma, 2nd Circle, Simla is transferred and posted as A. S. O. W. in Irrigation and Public Health Circle, Simla against vacant post.
79. Shri I. C. Malhotra, 6th Circle, Kulu is transferred and posted in Investigation Sub-Division, Kulu against vacant post (new Sub-Division).
80. Shri R. C. Sharma, F. O. Irrigation and Public Health Circle, Dharamsala is transferred and posted as A. S. O. W. in Irrigation and Public Health Circle, Sundernagar (new post).
81. Shri R. C. Sehgal on reversion from Himachal Pradesh Housing Board is posted as Assistant Engineer in Development Department Chamba vice Shri A. S. Kochhar transferred.
82. Shri A. S. Kochhar, Development Department Chamba is transferred and posted in Pangti Sub-Division, Killar vice Shri Harbilash Sharma transferred.
83. Shri Harbilash Sharma, Pangti Sub-Division Killar is transferred and posted in Chamba Sub-Division II (B and R) against vacant post (new Sub-Division).
84. Shri B. P. Kapoor, Development Department, Simla is transferred and posted as Assistant Engineer in Kasumpti Sub-Division (B and R) against vacant post.
85. Shri Kirpal Singh, A. F. under transfer as Engineer Officer 1st Circle, Mandi is posted as Assistant Engineer Development Department, Simla vice Shri V. P. Kapoor.
86. Shri R. S. Sagoo, Irrigation and Public Health Sub-Division, Swarghat Sub-Division is transferred and posted in Development Department, Mandi vice Shri S. R. Gupta transferred.
87. Shri S. R. Gupta, Development Department Mandi is transferred and posted in Swarghat Sub-Division vice Shri T. S. Sagoo.
88. Shri Bhagwant Singh, F. O. 7th Circle, Dalhousie is transferred and posted as Assistant Engineer, Dalhousie Sub-Division vice Shri D. S. Nirmohi transferred.
89. Shri D. S. Nirmohi, Dalhousie Sub-Division is transferred and posted in Panchrukhi Sub-Division against vacant post (new Sub-Division).
90. Shri P. S. Dogra, Sarkaghat Sub-Division II is transferred and posted in Namohi Sub-Division vice Shri Tarseem Singh transferred.
91. Shri Tarseem Singh, Namohi Sub-Division is transferred and posted in Trella Sub-Division, Bairagarh against vacant post (new Sub-Division).
92. Shri Shanti Swaroop, Nankheri Sub-Division is transferred and posted in Barsar Sub-Division vice Shri Surjan Singh transferred.

93. Shri Surjan Singh, Barsar Sub-Division is transferred and posted in Medical College Sub-Division, Simla vice Shri Vijai Pal transferred.
94. Shri Nand Lal Gupta, P H Sub-Division, Mandi is transferred and posted in Irrigation and P H Sub-Division I, Dharamsala against vacant post.
95. Shri Ram Murthy, on return from leave is transferred and posted as F. O. in Irrigation and P H Circle, Sundernagar against vacant post.
96. Shri Gurdass Ram, Irrigation and P H Sub-Division II, Simla is transferred and posted in Irrigation and P H Sub-Division Narpur (now shifted to Jawali) vice Shri K. K. Gupta transferred.
97. Shri Y. K. Dhiman, Master Plan Sub-Division, Hamirpur is transferred and posted in Irrigation and P H Sub-Division, Barsar against vacant post (new Sub-Division).
98. Shri V. K. Malhotra, Master Plan Sub-Division, Chamba is transferred and posted in Irrigation and P H Sub-Division, Shahpur.
99. Shri D. D. Gupta, Jutog Sub-Division is transferred and posted in Renuka Sub-Division (B and R) vice Shri A. P. Darbal on deputation to Himachal Pradesh Housing Board.

All the officers transferred and posted above are entitled to usual joining time/T. A. as admissible under the rules, but the officers mentioned at Sl. No. 61 and 70 will not get T. T. A.

By order,  
B. C. NEGI,  
Commissioner-cum-Secretary.

#### REVENUE DEPARTMENT (PONG DAM CELL)

#### NOTIFICATIONS

Simla-2, the 8th August, 1978

No. 4-4/75-Rev. cell.—In exercise of the powers vested in him under section 3 (c) of the Land Acquisition Act, 1894, the Governor, Himachal Pradesh, is pleased to appoint Shri Paras Ram, Land Acquisition Officer, Beas Sutlej Link Project, Mandi as a Collector under the said Act, with effect from the date he took over charge. His jurisdiction shall extend to the whole of the District of Mandi in respect of work relating to the Beas Sutlej Link Project.

The Governor, Himachal Pradesh, is further pleased to empower Shri Paras Ram, Land Acquisition Officer, Beas Sutlej Link Project, Mandi to perform the functions of the Land Acquisition Collector within the districts of Mandi, Solan and Bilaspur for purposes of acquisition of land for 400 K.V. transmission line under the provisions of the said Act, in addition to on duties with effect from the date he took over charge as such.

By order,  
H. S. DUBEY,  
Secretary.

Simla-2, the 8th August, 1978

No. 4-6/78-Rev. Cell.—Whereas it appears to the Governor, Himachal Pradesh that the land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the Reservoir Area for Beas Dam at Pong in Tika Sihali Jhikli H. B. No. 195/14 of village Fatehpur, Tehsil Narpur, District Kangra, it is hereby notified that land in the locality described below is likely to be required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts, permitted by the section.

Any person interested, who has any objection to the acquisition of any land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Beas Dam, Talwara Township.

#### SPECIFICATION

District : KANGRA		Tehsil : NURPUR		
Village	Khasra No.	H. B. No.	Area in K. M.	Area in acres
TIKA SIHAL	179/81P	195/14	6 12	
JHILLI, VILL.	109 P		15 19	= 2.14
FATEHPUR.				
Total	..		22 11	2.14

Sd/-  
Deputy Secretary

### भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

कार्यालय उपायुक्त, जिला किन्नोर, कल्पा

कार्यालय आदेश

कल्पा, 29 जून, 1978

नं० 6-31(जी० बी०)/77-6121.—हिमाचल सरकार के सामान्य प्रशासन विभाग की अधिसूचना संख्या जी० ए० डी०-ए० (जी०) 6-1/77, दिनांक 22-10-1977 के अनुसार पन्नी वर्ष, 1978 में पड़ने वाले प्रसिद्ध स्थानीय में और त्योहारों के कारण निम्न-लिखित स्थानीय अवकाश घोषित किए जाते हैं।

उप-मण्डल/ तहसील	अवकाश का नाम	उत्पन्न होने की तारीख	साप्ताहिक दिन
1	2	3	4
जिला मुख्यालय/ उप-मण्डल, कल्पा	1. कश्मीर मेवा 2. कुलैच	14-8-1978 13-10-1978	सोमवार शुक्रवार
तहसील सांगला	1. कुलैच 2. लोकत दिवाली	5-9-1978 1-12-1978	मंगलवार शुक्रवार

1	2	3	4	कार्यालय भूव्यवस्था अधिकारी, कांगड़ा मण्डल, धर्मशाला, हिमाचल प्रदेश
3. तहसील निवार	1. दकलानी मेला 2. फुलैच	17-7-1978 7-10-1978	सोमवार शनिवार	कार्यालय आदेश
4. तहसील तूरंग	1. फुलैच 2. फुलैच	18-12-1978 19-12-1978	सोमवार मंगलवार	धर्मशाला, 1 मई, 1978
5. तहसील पूह	1. मरतोक मेला 2. सैरवन	2-9-1978 21-10-1978	शनिवार शनिवार	
6. नव-तहसील हंगरंग ।	1. नामगन 2. सोसर	13-10-1978 13-11-1978	शुक्रवार सोमवार	
हस्ताक्षरित उपायुक्त, जिला किन्नौर, कल्पा ।				

Office of the Deputy Commissioner, Mandi, District Mandi (H.P.)

### NOTIFICATION

Mandi, the 25th July, 1978

No. 23 MD-2 (156)/72-27425-27.—In pursuance of the powers vested in me under section 23(1) of the Himachal Pradesh Municipal Act, 1968, I, Gian Singh Chambial, Deputy Commissioner, Mandi hereby notify that Shri Rajender Vaidya stands elected as President of the Municipal Committee, Mandi as per election conducted by the Municipal Committee, Mandi on 15-7-1978 under the provisions of Rule 84(9) of the Himachal Pradesh Municipal Election Rules, 1970.

G. S. CHAMBIAL,  
Deputy Commissioner.

कार्यालय जिला दण्डाधिकारी, जिला विलासपुर, हि० प्र०

अधिसूचना

विलासपुर, 5 अप्रैल, 1978

क्रमांक हो० प्र०/आदेश-168.—हिमाचल प्रदेश-जमाखोरी तथा मुनाफाखोरी निरोधक आदेश, 1977 (हि० प्र० होडिंग और प्रोफिटोयिंग प्रोवेंशन आर्डर, 1977) के अनुच्छेद 3(1)(डो) के अन्तर्गत दो गई शक्तियों का प्रयोग करते हुए तथा इस कार्यालय द्वारा जारी की गई अधिसूचना संख्या 5375-5424, दिनांक 4 नवम्बर, 1977, के आगे, मैं, लाल मिह, भा० प्र० से०, जिला दण्डाधिकारी, विलासपुर निम्नलिखित वस्तुओं के लिए अधिकतम लाभ की सीमा जो बगपारी ले सकता है का निर्धारण निम्न प्रकार करता हूँ ।

यह आदेश मारे विलासपुर में तुरन्त लागू हो जाएगा ।

क्रमांक	नाम वस्तु	अधिकतम धोक नाम की दर	परचून विक्री के लिए अधिकतम लाभ की दर
1	2	3	4

1 अस्थायी पुस्तकें  
(ऐकमरमाईज बुक्स) ।

2 प्रतिगन

4 प्रतिगन

हस्ताक्षरित,  
लाल मिह, भा० प्र० से०,  
जिला दण्डाधिकारी, विलासपुर ।

क्रमांक के० जी० एस०/78-2245.—श्री राजिन्द्र नाथ सुपुत्र श्री राम स्वरूप, गांव ब डाकघर ठंडल, तहसील अम्ब, जिला ऊना, हिमाचल प्रदेश जिस समय नाथ तहसीलवारी, सरकल शाहपुर में तैनात था तो मिति 20-5-1975 बाद दोपहर 3 बजे धारा 161 आई० पी० सी० रोड संक्शन 5(2) पी० सी० एक्ट, 1947 के अनुसार गिरफ्तार किया गया, जिस द्वारा अधिक्षक पुलिस, अष्टाचार विभाग, धर्मशाला ने पत्र नम्बर ए० सी० यू०/75-1214-15, दिनांक 22-8-1975 द्वारा सूचित किया कि श्री राजिन्द्र नाथ पटवारी ने 50 रु० घूसखोरी ली। जिस पर श्री राजिन्द्र नाथ पटवारी को कार्यालय के क्रमांक के० जी० एस० पी० एफ/75-3656, दिनांक 28-8-1975 द्वारा घूसखोरी तथा 48 घंटे के ऊपर हवालात में रहने के कारण मौअतिल किया गया था ।

अब ज्ञात हुआ है कि श्री राजिन्द्र नाथ पटवारी मौअतिल को एक वर्ष की कठोर कारावास तथा 200 रु० जुर्माना की संहारा जज धर्मशाला कांगड़ा मण्डल ने सजा दी है । अतः धारा 11(9) पनिसमेंट एण्ड अपील (सैंट्रल सिविल सर्विस एण्ड अपील) रूलज, 1965 के अनुसार श्री राजिन्द्र नाथ पटवारी बन्दोबस्त मौअतिल । को मिति 21-4-1978 बाद दोपहर से नौकरी से बर्खास्त । इसमिस । किया जाता है ।

विशन दास,  
भूव्यवस्था अधिकारी ।

### EXCISE AND TAXATION DEPARTMENT

### NOTIFICATION

Kulu, the 28th July, 1978

No. 1793/Kulu.—It is notified for the information of all concerned that the registration certificate issued under the Himachal Pradesh General Sales Tax Act, 1968/ Central Sales Tax Act, 1968 of the following dealers have been cancelled w. e. f. the dates mentioned against each:

Sr. No.	Name of the dealers and address	R.C. No.	Date of cancellation	Remarks
1.	M/s The New Bharat Watch and Radio Company Manali.	468/390	2-3-1978	—
2.	M/s Durga Dass and Sons Dhoti District Kulu.	489/411	2-3-1978	—
3.	M/s P.Kumar Dhalpur, Kulu.	578/496	16-5-1978	—
4.	M/s Thakur Printing Press Kulu.	492/414	6-6-1978	—
5.	M/s Meena Shoe Store, Kulu.	432/353	11-7-1978	—
6.	M/s Poonam Wood Works Kulu.	531/450	11-7-1978	—

B. D. PATHAK,  
Asstt. Excise & Taxation Officer,  
Kulu.

**FOREST FARMING AND ENVIRONMENTAL  
CONSERVATION DEPARTMENT**

**NOTIFICATION**

*Nurpur, the 20th July, 1978*

**No. CO. 331/8/3662-69.**—In exercise of power vested in me under clause 18 of Forest Produce Land Transit Rules, published vide Punjab Government notification No. 3736 Ft. (VI)-65/1782, dated 19th May, 1965, it is notified for information of all concerned that the place "Bhali" at APK road has been declared as check-post for the checking and controlling of forest produce within the jurisdiction of Nurpur Forest Division.

**NANAK CHAND,**  
*Divisional Forest Officer,*  
*Nurpur Forest Division.*

**MEDICAL COLLEGE SIMLA-1**

**OFFICE ORDER**

*Simla-1, the 16th August, 1978*

**No. 4-2/76-MC.**—In exercise of the powers vested in me vide Rule 1.26 of Himachal Pradesh Financial Rules Vol. I, 1971, I hereby declare Dr. B. K. Sofat, Professor of Ophthalmology, H. P. Medical College, Simla as Drawing and Disbursing Officer under heads 280—Medical, B-Medical Relief, (b) (vi) H. P. State Hospital, Non-Plan and 282—Public Health, A—Public Health and Sanitation, (c) Training in P. H. Courses (Non-plan) and 282—Public Health, A—Public Health and Sanitation (b) (XII) Leprosy (Plan) during the leave period of S. D. Bhardwaj, Medical Superintendent who has proceeded on leave w.e.f. 18-8-78 to 8-9-78.

Dr. B. K. Sofat, Professor of Ophthalmology will also be Controlling Officer in respect of T. A. bills of Class III and IV employees of H. P. State Hospital, Snowdon, Simla during the leave period of Dr. S. D. Bhardwaj.

Sd/-  
*Principal.*

**PUBLIC WORKS DEPARTMENT**

**OFFICE ORDER**

*Simla-171001, the 14th August, 1978*

**No. PWE-148-8/68-ES-II.**—In exercise of the powers vested in me vide Rule 1.26 of Himachal Pradesh Financial Rules, Vol. I, 1971, the Executive Engineer, Mechanical Division, H. P. P.W.D., Karcham, is hereby authorised to operate upon the following Head of Account and also declare him as Head of Office and Drawing and Disbursing Officer of this Head of Account.

"537—Capital Outlay Roads and Bridges  
(a)(ii) Execution Plan.

He will also be the Controlling Officer under S. R. 191 for the purpose of T. A. in respect of Class-II, III and IV staff working under him.

**I. D. MIRCHANDANI,**  
*Chief Engineer.*

अभिसूचनाएं

जबकि हिमाचल प्रदेश के राज्यपाल को ऐसा प्रतीत होता है कि हिमाचल प्रदेश राज्य सरकार को सार्वजनिक प्रयोजन के लिए शासन पर व्यय

पर\* भूमि की आवश्यकता है। इसलिए अधिसूचना जारी की जाती है कि इस भूमि को निम्नलिखित स्थान में उपरोक्त\* प्रयोजनार्थ आवश्यकता है।

2. यह घोषणा भूमि अर्जुन अधिनियम, 1894 की धारा 6 के अर्थों की जा रही है और उक्त अधिनियम भू-अर्जुन की धारा 7 के अन्तर्गत (ममाहर्ता) (I) जिला शिमला तथा कुल्लू (आउटर सिराज) हिमाचल लोक निर्माण विभाग, शिमला-2 निदेश दिया जाता है कि उक्त अधिकारी व्यक्त भूमि को अर्जित करने के लिए आदेश दें।

3. भूमि का रेखा चित्र कार्यालय भू-अर्जुन अधिकारी, शिमला-2 में निरीक्षण किया जा सकता है।

\*मैज राजगढ़ नेरी सड़क निर्माण हेतु

नं० एस० ई०-II-(आर) 54-1/78-7890-93.

शिमला-3, 31 मई, 1978

विशिष्ट

जिला: शिमला

तहसील: ठियोग

गांव	खसरा नं०	बीघा	क्षेत्र	विस्था
1	2	3	4	5
नव	868/218	0	2	
	865/217	0	2	
	230/1	0	2	
	834/156/1	0	8	
	213	0	3	
	212	0	3	
	837/162/1	0	7	
	211	0	5	
	229/1	0	1	
	827/152/1	0	3	
	831/154/1	0	6	
	859/210	0	3	
	830/204/1	0	4	
	862/214	0	2	
	839/169/1	0	1	
	877/226	0	3	
	876/226	0	5	
	891/733/1	0	18	
	888/725/1	0	18	
	852/205/1	0	3	
कुल योग किता	20	4	19	

नं० एस० ई०-II-(आर) 54-1/78-7894-97.

शिमला-3, 31 मई, 1978

रक	159/15/1	1	11
	34/1	0	4
	167/47/3/1	1	9
	169/162/1	0	1
किता	4	3	5

1	2	3	4	1	2	3	4
*बुलदेया-चर्मपुर सड़क भूमि निर्माण हेतु संख्या एस0 ई0-II-(आर)-54-I/78-7902-05 शिमला-2, 31 मई, 1978					98/1	0	8
तहसील : शिमला					60/1	0	7
सघोड़ा दंडो					62/1	0	6
2/1					151/1	0	1
6/1					94/1	0	1
किता 2					630/153/1	0	2
1					527/166/1	0	3
3					589/15/1	0	17
*समौली-खसधार सड़क निर्माण हेतु नं0 एस0 ई0-II-(आर) 54-1/8227-30. शिमला-3, 5 जून, 1978					432/54/1	0	6
तहसील : रोहड़ू					540/157/1	0	1
शमोली				किता 42		14	15
760/93/1				*नेरी पुल अलवाहल सड़क निर्माण हेतु संख्या एस0 ई0 II-(आर) 10814-17 शिमला, 21 जुलाई, 1978.			
590/15/1				तहसील : चौपाल			
404/166/1				शीली			
479/431/54/1				2299/5/1			
61/1				2299/7/1			
481/431/54/1				2299/6/1			
99/1				2338/2299/9/1			
709/138/1				2338/2299/9/1			
716/143/1				किता 5			
724/147/1				1			
763/100/1				12			
152/1				*नेरी पुलवाहल मार्ग निर्माण हेतु संख्या एस0 ई0-II-(आर)-54-1/78/10818-21. शिमला, 21 जुलाई, 1978			
721/145/1				जवग छमरोग			
764/100/1				2313/2/1			
653/379/1				नं0 एस0 ई0-II-(आर)-108/78-10822-25. शिमला, 21 जुलाई, 1978			
103/1				देवठी			
102/1				644/2/1			
63/1				1037/646/1			
16/1				1034/652/1			
16/2				1034/652/2			
16/3				किता 4			
87/1				0			
97/1				15			
56/1				वनवारी लान, अधिक्षण अभियन्ता			
766/100/1							
95/1							
148/1							
761/100/1							
146/1							
411/16/1							
17/1							
60/1							

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेंशियल कमिश्नर तथा कमिश्नर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

PERSONNEL DEPARTMENT  
NOTIFICATION  
Simla-2, the 31st July, 1978

No. 7-5/70-DP-(Apptt.-II) Vol. II. — In exercise of the powers conferred by proviso to Article 309 read with Article 234 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Himachal Pradesh in consultation with the High Court

of Himachal Pradesh and the H. P. Public Service Commission makes the following rules to amend the demobilised Indian Armed Forces (Reservation of Vacancies in the Himachal Pradesh Judicial Service) Rules, 1975, as notified vide Notification No. 7-5/70-DP-(Apptt.-II), dated 28th April, 1975 as amended from time to time namely:—

1. *Short title and commencement.*—(i) These rules may be called the Demobilised Indian Armed Forces

(Reservation of Vacancies in Himachal Pradesh Judicial Service) (Second Amendment) Rules, 1978.

(ii) They shall come into force with effect from the date of issue of this notification.

2. *Amendments to rule 2.*—In sub-rule (1) of rule 2 of the Demobilised Indian Armed Forces Reservation of Vacancies in H. P. Judicial Service) Rules, 1975, hereinafter referred to as the 'said rules' the opening words "twenty per cent" shall be substituted by the words "ten per cent".

3. In sub-rule 2 of rule 2 of the said rules, the words and figures "5th, 10th, 15th and so on" shall be substituted by the words and figures "5th, 15th, 25th, 34th and so on".

L. HMINGLIANA TOCHHAWNG,  
Chief Secretary.

## EDUCATION DEPARTMENT

### NOTIFICATION

Simla-2, the 8th August, 1978

No 1-124/76-Edu-A.—In exercise of the powers conferred by proviso at Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh with prior consultation of the Himachal Pradesh Public Service Commission, is pleased to make Recruitment and Promotion Rules as per Annexure I for the post of Registrar, Class II (Gazetted) pay scale of Rs. 500-30-740/40-900 plus Rs. 50 as special pay in the Education Department, Himachal Pradesh, namely:—

1. *Short title and commencement.*—(1) These Rules may be called the Himachal Pradesh, Education Department, Class II Services (Recruitment, Promotion and Certain Other Conditions of Service) Rules, 1978.

(2) These shall come into force with immediate effect.

### ANNEXURE I

Recruitment and Promotion Rules for the post of Registrar in the Education Department, Himachal Pradesh.

1. Name of the post	Registrar, Education Department, Himachal Pradesh.
2. Number or post	One
3. Classification.	Class II (Gazetted)
4. Scale of pay	Rs. 500—900 plus Rs. 50 as Special Pay. (Rs. 500-30-740/40-900 plus Rs. 50 as Special Pay).
5. Whether selection or non-selection post.	Selection
6. Age for direct recruits.	Not applicable
7. Minimum education and other qualifications required for direct recruits.	Not applicable.
8. Whether age and educational qualifications prescribed for direct recruits will apply in case of promotions.	Not applicable.

9. Period of probation, if any.

2 years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and for reasons to be reduced in writing.

10. Method of recruitment, whether by direct recruitment or by promotion, deputation/transfer and the percentage of vacancies to be filled by various methods.

100% by promotion

11. In case of rectt. by promotion deputation / transfer, grades from which promotion/deputation/transfer to be made.

By promotion from amongst Superintendents Class-II (Gazetted) in the pay scale of Rs. 500—900 with five years regular or ad hoc service for both as such.

12. If a D. P. C. exists, what is its composition.

Class—II D. P. C. as may be constituted by the Government from time to time.

13. Circumstances in which Himachal Pradesh Public Service Commission is to be consulted in making recruitment.

As required under the Law

### FOOT NOTES

1. Provisions of Col. 10. and 11 are to be revised by the Government in consultation with the Himachal Pradesh Public Service Commission as and when the number of posts under Col. 2 are increased or decreased.

2. Where the Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission, relax any of the provisions of these rules with respect to any class or category of person or post.

3. In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including ad hoc one) in the feeder post, all persons senior to him in the respective categories shall be deemed to be eligible for consideration and placed above the junior official in the field of consideration:

Provided that all incumbents to be considered should possess the minimum qualifying service of at least three years or that prescribed in the relevant recruitment and promotion rules for the posts/service, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation on account of the requirement prescribed in the preceding proviso, the person (s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation.

4. Nothing in these rules shall effect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

5. *Departmental Examination:*—(i) Every members of the services shall pass a departmental examination as prescribed in the Departmental Examination Rules within the probation period or within two years from the



notification of these rules whichever is later failing which he shall not be eligible to:—

- (a) Cross the Efficiency bar next due,
- (b) Confirmation in the Service, and
- (c) Promotion to the next higher post:

Provided that if a member becomes otherwise eligible for promotion within the period mentioned above he shall be considered for promotion and if otherwise found fit shall be promoted provisionally subject to his passing the departmental examination. He may be reverted if he fails to pass the same:

Provided further that an officer who has qualified the departmental examination in whole or in part prescribed under any other rules before the notification of these rules, shall not be required to qualify the whole or in part of the examination as the case may be:

Provided further that an officer for whom the departmental examination was prescribed prior to the notification of these rules and who has attained the age of 45 years on the 1st March, 1976 shall not be required to qualify the departmental examination prescribed under these rules.

(ii) An officer on promotion to a higher post in his direct line of promotion shall not be required to pass the aforesaid examination if he has already passed the same in the lower gazetted post.

(iii) The Government may, in consultation with the Himachal Pradesh Public Service Commission grant in exceptional circumstances and for reasons to be reduced to writing exemption in accordance with the departmental examination rules, to any class or category of

persons from the departmental examination in whole or in part.

By order,  
B. C. NEGI,  
Secretary.

### PUBLIC WORKS DEPARTMENT NOTIFICATION

Simla-171002, the 14th June, 1978

No. 1-86/73-PWA.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to make the following amendments in the Recruitment and Promotion Rules for the Post of Assistant Planner H.P. P.W.D., notified vide notification No. PWE-147-13/69-ES-II, dated the 1st December, 1969 and as amended vide notification No. 1-238/69-PWD, dated 9th March, 1973, and notification No. 1-238/69-PWD, dated 31-5-1976.

Short title and commencement.—These rules may be called the Recruitment and Promotion Rules for the Post of Assistant Planner (3rd Amendment) Rules, 1978.

#### AMENDMENT TO THE RULES

Add the following below essential qualification after

(ii) against Rule (iii) The qualification regarding experience is relaxable at the discretion of the H.P. P.S.C., in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage for selection, the H.P. P.S.C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

B. C. NEGI,  
Commissioner-cum-Secretary.

## भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग

पंचायती राज विभाग

श्रादेश

शिमला, 15 जुलाई, 1978

संख्या पी० सी० एच० एच० एच० (5) 247/76.—क्योंकि जिलाधीश चम्बा को रिपोर्ट अनुसार कि श्री भामादीन पंच, ग्राम पंचायत सिहुता, जिला चम्बा को न्याय पंचायत ने धारा 378/34 आई० पी० सी० के अन्तर्गत दंडित किया है उसके विरुद्ध नियमित जांच दिनांक 8-7-78 कराई गई थी और जांच से यह पाया गया कि आरोक्त अपराध के लिए श्री भामादीन पंच को मु० 15 रु० दंड दिया गया था जिस कारण वह धारा 9(5)बी० के अन्तर्गत अपने पद पर बना नहीं रह सकता।

और क्योंकि हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 एवं हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम 77 के अन्तर्गत

श्री भामादीन पंच को कारण बताओ नोटिस जारी किया गया था कि क्यों न उन्हें उपरोक्त अपराध के लिए पंच पद से निष्कासित किया जाए परन्तु 2 मास व्यतीत होने पर भी उनसे कोई उत्तर प्राप्त नहीं हुआ जिससे यह सिद्ध हो गया है कि उन्हें अपनी सफाई में कुछ नहीं कहना है।

अतः राज्यपाल, हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 54(2) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करके श्री भामादीन पंच, ग्राम पंचायत सिहुता, विकास खण्ड भटियात, जिला चम्बा को पंच पद से हटाने के सहर्ष आदेश देते हैं। यह भी आदेश दिया जाता है कि यदि उनके पास पंचायत की कोई चल-अचल सम्पत्ति हो तो वे तुरन्त प्रधान ग्राम पंचायत सिहुता को सौंप दें।

हस्ताक्षरित,  
अवर सचिव।

## भाग 5—व्यक्तिगत अधिसूचनाएं और विज्ञापन

In the Court of Shri T. R. Handa, District Judge,  
Simla (H. P.)

S. A. 15-S/2 of 1978

Shri R. N. Malhotra, Senior Advocate, Craigs' Villa,  
The Mall Simla-1

Petitioner.

Versus

1. Professor Narinder Nath Malhotra, 34/2, C-Rohtak  
Road, New Delhi,

2. Professor Pran Nath Malhotra, resident of C-84  
Greater Kailash No. 1, New Delhi.

3. Shri Amer Nath Malhotra at present resident of  
5050 Sant Nagar, Karol Bag New Delhi.

4. Smt. Shanti Devi Kapoor wife of Shri Badri Nath  
Kapoor at present resident of 120/3/12 Lajpat  
Nagar Kanpur, U. P.

5. The General Public, .. Respondents.

The General public.

Application for the grant of a Succession Certificate under section 372 of the Indian Succession Act, 1925. Shri R. N. Malhotra petitioner has filed an petition u/s 372 of the Indian Succession Act, 1925 in this court on 7-8-1978, for the grant of Succession Certificate authorising him to realise the amounts of debts in respect of Shri Bodh Raj Malhotra father of Shri R. N. Malhotra petitioner resident of Craigs Villa The Mall Simla, who died on 16th August, 1975.

Whereas the above noted application has been registered, notice is hereby given to the General Public that if any well wisher and kinsman of the deceased has any objection to the grant of the Succession Certificate sought by the petitioner/Applicant he should file the same in this court on or before 22-9-1978 failing which no objection shall be entertained.

Given under my hand and the seal of the court this day of 17th August, 1978.

Seal.

T. R. HANDA,  
District Judge.

In the Court of Shri M. D. Sharma, Sub-Judge, Dehra,  
District Kangra

CIVIL SUIT No. 255/76

Prema Vs. Jog Raj.

To

1. Radhu } ss/o Attama Ram, caste Brahmin r/o  
2. Chukaru } Kuhna, Mouza Kaloha, Teh Dehra.  
... Defendants.

Whereas in the above noted civil suit it has been proved to the satisfaction of this court that the above named defendants cannot be served through an ordinary course of service hence this publication under order 5 rule 20 CPC is hereby issued that they should attend this court personally or through an Advocate on 2-9-78. Failing which *ex parte* proceedings shall be taken against them.

Given under my hand and the seal of the court this 10th day of August, 1978.

Seal.

M. D. SHARMA,  
Sub-Judge,

In the Court of Shri J. L. Gupta, Sub-Judge Class III  
Kangra

PROCLAMATION UNDER ORDER 5, RULE 20  
OF C. P. C.

CASE No. 145/75

In case Jaikaran etc. *versus* Duni Chand etc.

*Versus* Shri Bachitar s/o Late Bhagat s/o Keroo s/o Phina, caste Ghirth r/o Padher Mauza Sarah, Tehsil and Distt. Kangra. H.P. ... Defendant.

Whereas in the above noted case, it has been proved to the satisfaction of this court that the above noted defendants are evading the service of the summons and cannot be served in the normal course of the service. Hence, this proclamation is hereby issued against him to appear in this court on the date fixed for hearing on 30-8-78 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against him.

Given under my hand and the seal of this court.

Seal.

J. L. GUPTA,  
Sub-Judge.

In the court of Sub-Judge, Sunder Nagar, District Mandi,  
Himachal Pradesh

COURT NOTICE

CIVIL SUIT No. 216/74

Anup Singh s/o Harjeet Singh r/o Bhojpur, Sundernagar,  
District Mandi, H. P. ... Plaintiff.

*Vs.*

Bimal Kumar son of Binay Nand, 2. Pardeep Kumar son of Jai Krishan, 3. Sewaku s/o Dutta, 4. Jewani wido of Nokhu, Residents of Bhojpur Bazar, Tehsil Sundernagar, district Mandi, H. P. ... Defendants.

To

1. Sewaku s/o Dutta 2. Jewani wd/o Nokhu, r/o Bhojpur, Tehsil Sundernagar, District Mandi, H. P.

Whereas in the above noted case it has been proved to the satisfaction of this court that the above named defendants can not be served in ordinary way. Hence this proclamation is issued in the name of Sewaku & Jewani that they should appear in this court on 1-9-78 at 10 A.M. personally or through an authorised agent or pleader failing which an *ex parte* proceeding will be taken against them.

Given under my hand and the seal of the Court on this 1st day of August, 1978.

Seal.

G. R. SHARMA,  
Sub-Judge.

PROCLAMATION UNDER ORDER 5, RULE 20, CPC.

In the court of Sh. J. N. Barowalia, Sub-Judge, Una

Case No. 24 of 1978

भगत राम *Versus* सुरिन्द्र कुमार

*Vs.* सुरिन्द्र कुमार 2. जगननाथ पिसरान 3. सोमा देवी 4. चम्पा देवी पुत्रियान 4. मनसा राम पुत्र दुनि चन्द जात ब्राह्मण, सकना दुर्लहड़ District and Tehsil Una.

Whereas in the above noted case, it has proved to the satisfaction of this Court that the above noted defendants are evading the service of the summons and cannot be served in the normal course of service. Hence this proclamation is hereby issued against him/them to appear in this court on the date fixed for hearing on 8-9-1978. at 10 A. M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against him/them.

Given under my hand and the seal of the court this 5th day of August 1978.

Seal.

J. N. BAROWALIA,  
Sub-Judge, Una.

इस्तहार जेर आर्डर 5, रूल 20, जान्ता दोबानी

कार्यालय सहायक समाहर्ता द्वितीय वर्ग, सोलन

मुकदमा नं० 167/76

दरस्ती गरदावरी

श्री परसीमा उर्फ परस राम पुत्र श्री राम सिंह, निवासी भान्त, तहसीस व जिला सोलन । ... सायल

बनाम

बन्धुदाल श्री राजेन्द्र कुमार चौहान, सहायक समाहर्ता, (तहसीलदार)  
कांगड़ाश्री आत्मा राम पुत्र फेनु सिंह इत्यादि, निवासी भानत, तहसील  
सोलन प्रतिवादी गण ।दरखस्त दस्तवी गरीदावरी खसरा नं० 117 व 124, किता  
तादादी 43 बोधा 11 बोस्वा, मोजा भानत ।तस्दीक इत्काल बरास्त बरूप वसीयत रजिस्टरी शुदा मिति  
19-7-71 श्री माधो राम पुत्र लखू मालिक मुतवफी बनाम श्री  
सतपाल पुत्र कालीदास पुत्र लखू, वासी समलोटी, तहसील कांगड़ा ।

बनाम

इस्तहार बनाम:--सतीश कुमार, मदन मोहन, अनिल कुमार,  
सुरीन्द्र कुमार, विजय शक्ति पुत्रगण महेश  
राम, निवासी मुंगव व श्री कृष्ण सिंह  
पुत्र श्री देवी सिंह, निवासी धलुत, तहसील  
व जिला सोलन ।1. श्रीमती आशा देवी धर्मपत्नी दुनी चन्द पुत्र वसाखी राम,  
वासी थुरल, तहसील पालमपुर, 2. श्री वल्लभ लाल पुत्र सतत राम,  
साकन नौरा, तहसील पालमपुर, 3. श्रीमती शकुन्तला देवी पुत्री  
फूला देवी विष्वा सन्तराम, साकन नौरा, तहसील पालमपुर, 4. श्रीमती  
मती देवी धर्मपत्नी प्रताप चन्द साकन फरेड़, तहसील पालमपुर  
तथा सर्वजन्ता ।उपरोक्त मुकदमा जेर तजवीज इस न्यायालय में है उपरो-  
क्त फरीक सानीमान को न्यायालय हजा से कई मरतबा समन  
बगर्ज हाजरी व पैरवी मुकदमा उपरोक्त में जारी किए गए । मगर  
अदम तामील वापिस आये हैं न्यायालय हजा को पूर्ण विश्वास हो  
चुका है कि उपरोक्त फरीकसानीमान पर आसानी से तामील  
नहीं हो सकती अतः उपरोक्त फरीकसानीमान को इस इस्तहार  
द्वारा सूचित किया जाता है कि वह मुकदमा उपरोक्त की पैरवी  
के लिए असालतन या बकालतन मिति 4-9-78 को 10 बजे  
मुबह न्यायालय हजा में हाजर आवें अदम हाजरी में कार्रवाई  
एकतरफा अमल में लाई जावेगी ।हरगाह इत्कालात बरास्त श्री माधो राम पुत्र लखू मुतवफी  
बनाम श्री सतपाल महालात नौगजा व भीरनी व समलोटी व  
कछरेड़ में दर्ज हैं । मगर श्रीमती आशा देवी आदि उपरोक्त  
जानबूझकर इत्काल को तस्दीक के लिये दौरा पर हाजर न  
आ रहे हैं । अतः उनको तथा सर्वजन्ता को इस इस्तहार द्वारा  
सूचित किया जाता है कि वह मिति 18-9-78 को हमारी अदालत  
बमुकाम तहसील कांगड़ा में हाजर आवें और इत्काल बरास्त के  
बरूप वसीयत बहक सतपाल मजकूर मंजूर हो जाने में कोई इतराज  
हो तो पेश करें । अदम हाजरी की सूत में कार्रवाई एकतरफा  
अमल में लाई जावेगी ।आज बतारीख 6-7-78 दस्तखत हमारे और मोहर अदालत  
से जारी हुआ ।आज मिति 10-8-78 को हमारे दस्तखत व मोहर अदालत से  
जारी किया गया ।

मोहर

हस्ताक्षरित,  
सहायक समाहर्ता ।

मोहर ।

राजेन्द्र कुमार चौहान,  
सहायक समाहर्ता, कांगड़ा ।बन्धुदाल श्री राजेन्द्र कुमार चौहान, सहायक समाहर्ता, (तहसीलदार)  
कांगड़ातस्दीक इत्काल नं० 90 बरास्त श्री माधो पुत्र बेनी पुत्र  
चमारू मकफूद उल-खबर बनाम श्रीमती हौसरी वाल्दा अग्र ।बनाम श्री माधो पुत्र बेनी पुत्र चमारू मकफूद उल-खबर व  
सर्वजन्ता ।हरगाह उपरोक्त इत्काल की तहकीकात के दौरान पाया गया  
है कि श्री माधो पुत्र बेनी अरसा 15 साल से मकफूद उल-खबर  
है और इस समय में न तो उसका कोई पत्र आया है और न ही  
उसके जिवित होने का किसी को पता है अतः म इस्तहार द्वारा  
श्री माधो मजकूर को सूचित किया जाता है कि अगर वह कहीं  
हो तो मिति 18-9-78 को हमारी अदालत बमुकाम तहसील कांगड़ा  
में हाजर होकर पैरवी इत्काल करे बसूत दीगर कार्रवाई एक  
तरफा अमल में लाई जाएगी । इसके अतिरिक्त सर्वजन्ता को भी  
सूचित किया जाता है कि अगर किसी को इत्काल मजकूर के बहक  
श्रीमती हौसरी मंजूर हो जाने में उजर इतराज हो तो वह भी  
मिति 18-9-78 को पेश करे ।आज मिति 10-8-78 को हमारे दस्तखत व मोहर अदालत से  
जारी किया गया ।

मोहर ।

राजेन्द्र कुमार चौहान,  
सहायक समाहर्ता, कांगड़ा ।बन्धुदाल श्री राजेन्द्र कुमार चौहान, सहायक समाहर्ता, (तहसीलदार)  
कांगड़ातस्दीक इत्काल नम्बर 44 बरास्त बजरीया मकफूद उल-खबरी  
अग्र अरसा 30 साल श्री भगत पुत्र लाभ बनाम जोधा राम  
जैशी राम पुत्र भगत पुत्र लाभ महाल कच्छरेड़, तहसील बजिला कांगड़ा ।

बनाम श्री भगत पुत्र लाभ मकफूद उल-खबर व सर्वजन्ता ।

हरगाह उपरोक्त इत्काल बराये तस्दीक हमारे रूबक पेश  
हुआ है और तस्दीक के दौरान पाया गया है कि श्री भगत अरसा  
30 साल से मकफूद उल-खबर है और इस अरसा में न तो  
उसका कोई पत्र आदि आया है और न ही उसके जिवित होने  
का किसी को पता है अतः इस इस्तहार द्वारा श्री भगत मजकूर  
को सूचित किया जाता है कि अगर वह कहीं हो तो मिति 18-9-78  
को बराये पैरवी हाजर अदालत बमुकाम कांगड़ा तहसील आवें ।  
बसूत दीगर कार्रवाई एक तरफा अमल में लाई जावेगी । इस के  
अतिरिक्त किसी और व्यक्ति को भी इस इत्काल के बनाम जोधा  
राम आदि मंजूर हो जाने में इतराज हो तो पेश करें ।आज मिति 10-8-78 को हमारे दस्तखत व मोहर अदालत से  
जारी किया गया है ।

मोहर ।

राजेन्द्र कुमार चौहान,  
सहायक समाहर्ता, कांगड़ा ।

अदालती इशतहार

सेवा में,

आदेश 5, नियम 20, जास्ता दिवानी

बगदालन श्री प्रेम लाल शर्मा, डिस्ट्रिक्ट जज, मण्डी, कुल्लू व लाहौल-  
स्फिति, जिला मण्डी (हि0 प्र0)

मिसल नं0 एच0 एम0 पी0 57/1977

श्रीमती प्रोमीला देवी पत्नी श्री जालम सिंह, हाल निवासी बल्ह  
लालीहन, तहसील सरकाघाट, जिला मण्डी (हि0 प्र0) ... —प्राथी ।

बनाम

1. श्री जालम पुत्र श्री करम सिंह
2. श्रीमती गंगी देवी पत्नी श्री जालम सिंह, निवासी नाग नाला  
कटौला, तहसील सदर मण्डी (हि0 प्र0) ... —प्रत्यार्थी गण ।

Petition u/s 13 of Hindu Marriage Act for the decree  
of Divorce.

श्री जालम पुत्र करम सिंह, निवासी हाल नाग नाला कटौला,  
तहसील व जिला मण्डी (हिमाचल प्रदेश)

मुकद्दमा मुन्दरजा उनवान वाला हजा को यह यकीन हो चुका है कि  
उपरोक्त प्रत्यार्थी नं0 1 श्री जालम सिंह पुत्र करम सिंह की साधारण तरीके  
से तामील होना अत्यन्त कठिन है इसलिये इसको बजूरिया इस्तहार से  
सूचित किया जाता है कि हाजर अदालत स्थान मण्डी में दिन के दस  
बजे तारीख पेशी 30-8-78 को अदालत व बकालनन हाजर हो  
कर मुकद्दमा की पेंदवी करे । न हाजर होने पर यकतरफा  
कार्यवाही अमल में लाई जायेगी ।

इ आज दिनांक 31-7-78 को मेरे हस्ताक्षर व मोहर सहित जारी  
हुया ।

मोहर ।

पी0 एल0 शर्मा,  
डिस्ट्रिक्ट जज ।

## भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

शून्य

## भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) को वैधानिक अधि सूचना तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

निर्वाचन विभाग

Bagori, Tehsil and District Chamba, (H. P.)

.. Petitioner.

अधिसूचना

Versus

Shri Mohal Lal son of Shri Mangtu, resident of village  
Sarol, Tehsil and District Chamba, (H. P.).

.. Respondent.

सिमला-171002, 7 जून, 1978

संख्या 3-8/78-इलेक0.—भारत निर्वाचन आयोग की अधिसूचना  
संख्या 82/हिमाचल प्रदेश/1/78, दिनांक 18 मई, 1978 जिसमें  
निर्वाचन याचिका संख्या 1 वर्ष 1977 पर हिमाचल प्रदेश उच्च  
न्यायालय का निर्णय अन्तर्निष्ठ है, हिमाचल प्रदेश राजपत्र में जन-  
साधारण की सूचनाएं प्रकाशित की जाती हैं ।

आदेश से,  
हरि शंकर दुबे,  
मुख्य निर्वाचन अधिकारी,  
हिमाचल प्रदेश ।

COPY OF JUDGMENT  
IN THE HIGH COURT OF HIMACHAL PRADESH,  
SIMLA  
ELECTION PETITION No. 1 OF 1977

DATE OF DECISION .. APRIL 12, 1978

Shri Vidyadhar, petitioner, through Shri Inder Singh,  
Advocate.

Versus

Shri Mohan Lal, respondent, through M/s M.G.  
Chitkara and S.S. Ahuja, Advocates.

For approval and Signature.

The Hon'ble Mr. Justice T.U. Mehta, C.J.  
The Hon'ble Mr. Justice.

1. Whether approved for reporting? Yes.
2. Whether there are remarks about the quality of the  
Judgment of the Court or officer?

## ELECTION COMMISSION OF INDIA

"Nirvachan Sadan"  
Ashok Road,  
New Delhi-160001.

## NOTIFICATION

Dated 17th May, 1978

No. 82/HP/1/78.—In pursuance of section 106 of the  
Representation of the People Act, 1951 (43 of 1951) the  
Election Commission hereby publishes the order, dated  
12th April, 1978 of the High Court of Judicature at Simla  
in Election Petition No. 1 of 1977.

Copy of Judgement delivered on April 12, 1978 by  
Hon'ble Mr. Justice T. U. Mehta, Acting C. J. in Election  
Petition No. 1 of 1977. titled,

Shri Vidyadhar son of Shri Surjan, residence of village

T.U. MEHTA, ACTING C. J. (ORAL):

By this election petition the petitioner Shri Vidyadhar  
has challenged the election of the respondent Shri Mohan  
Lal from 52-Rajnagar reserved constituency as a Member  
of the Himachal State Legislative Assembly on  
10th June, 1977, on the ground that on the date of the  
election the respondent was not qualified to fill the  
seat from the said constituency as that seat was reserved  
for a schedule caste candidate, and the respondent did  
not belong to any of the castes so scheduled in the Order  
known as "Constitution (Schedule Caste) Order, 1950"  
issued by the President under clause 1 of Article 341 of the  
Constitution.

The case of the petitioner is that the respondent was not  
entitled to file his nomination as a candidate for the said  
constituency as he belongs to "Dasali" caste which is  
not included in the above referred Schedule prescribed  
for the State of Himachal Pradesh. According to the  
petitioner, he had raised this objection orally before the  
Assistant Returning Officer, but his objection was over-

ruled. This particular averment is not found in the petition, but both parties have led evidence on this point.

It is an admitted fact that last date for filing nomination papers was 18th May, 1977. Petitioner himself was one of the candidates as he claims to be belonging to "Hali" caste which is included in the Schedule for Himachal Pradesh. The respondent filed his nomination paper stating that he belonged to "Jogi" caste which is admittedly one of the castes mentioned in the Schedule. It is an admitted position that the respondent was a party candidate contesting the election on behalf of Janata Party. There was a third candidate also belonging to the schedule caste who contested from this very constituency. His name is Chuni Lal son of Hari Sukh, who is examined as P.W. 5 in this case. Nomination papers of all these three candidates were accepted and the election took place on the date of the poll which was fixed on 10th June, 1977. Counting was made on 14th June, 1977 on which date the respondent was declared elected.

The case of the petitioner is that the election of the respondent is void because he was not entitled to contest the seat from the above referred reserved constituency as, he being a "Dasali", he did not belong to any of the schedule castes prescribed for the State of Himachal Pradesh.

It is an admitted position that the above referred constituency is situated in Chamba district. Before the formation of Himachal Pradesh in the year 1948 Chamba district formed part of a native State ruled by a prince. This particular fact assumes importance because the petitioner has relied upon some old revenue record of Chamba State which mentions the caste of the respondent as "dasali" and not as "Jogi".

The case of the respondent is that his nomination was valid as he belongs to the caste of "Jogis" which is a schedule caste and not to the caste of "dasalis". It is contended on behalf of the respondent, and the respondent has led some evidence in support of this contention, that "dasali" is the name of a profession or a vocation and not of a caste. In this connection, it is urged that those persons who are preparing "doonas and pattals" (that is, platters and cups made of leaves) and selling them to the public are known as "dasalis". According to the respondent, neither he nor his father prepares "doonas and pattals". The profession of the respondent's father is that of an agriculturist and he grows and sells flowers and vegetables. According to the respondent, this is the profession of those who belong to "Jogi" caste. Respondent has further adduced evidence to show that his father, he himself, and his sisters and brothers are married in "Jogi" families and he and the whole of his family belong to the fraternity of the members of "Jogi" caste. In support of this contention, the respondent has heavily relied upon revenue entries which have been prepared as a result of First Regular Revenue Settlement undertaken by the Government authorities some where in the middle of November, 1951 and finished in the year, 1958. All these revenue entries show that the respondent's grandfather named Ghasitu is described as "Jogi" by caste.

The respondent has also produced entries from the school-register of the school where he had studied to show that he is a "Jogi" by caste.

The respondent has further produced family registers with regard to Bhagwantpura and Sarol where he resides to show that his family belongs to "Jogi" caste and also that in this area there is no family registered belonging as to "dasali" caste.

The respondent has further produced evidence to show that when he joined Government service he did so on the averment that he belonged to "Jogi" caste, though at the relevant time there was no reservation in service for any schedule caste person. However, according to the respondent when his service record was scanned by a Departmental Promotion Committee he was given promotion on the basis that he belonged to "Jogi" caste which by that time was a scheduled caste.

As a result of the above referred pleadings, this Court framed the following issues on 23rd September, 1977:—

- (1) Is it proved by the petitioner that the respondent is a "Dasali" by caste and hence he does not belong to any of the castes included in the Schedule prescribed for Himachal Pradesh? If so, what is its effect?
- (2) Does the respondent show that he is "Jogi" by caste? If so, what is its effect?
- (3) What final orders should be passed?

On these issues both the parties have led evidence. On behalf of the petitioner eight witnesses have been examined and plenty of revenue record is produced. On behalf of the respondent also eight witnesses have been examined and sufficient revenue record relating to the regular revenue assessment which was taken up in Chamba district for the first time in the year 1951, and subsequent revenue record including Record of Rights, which was prepared as a result of the regular revenue assessment, has been produced and relied upon.

Before discussing the oral and documentary evidence which is produced by the parties in the case, it would first be necessary to consider the respondent's contention that "Dasali" is not the name of a caste but is the name of a profession or vocation of those persons who are dealing in "doonas and pattals". Oral evidence led by the parties on this question is not of much help as it consists merely of oral assertions on one side or the other side. I, however, find that sufficient dependable evidence on this question is furnished by certain old record contained in Punjab States Gazetteer, Volumes XXII-A and XLI Part B as well as Sir Denzil Ibbetson's book on "Punjab Castes" as well as a pamphlet entitled "Estimated Population by Castes, 1951" for Himachal Pradesh issued by the Office of the Registrar General, India, Ministry of Home Affairs in the year 1954. It is from this record that I propose to consider the question whether the word "Dasali" is the name of a caste or merely of a profession or vocation.

Reference to Punjab States Gazetteer, Volume XXII A is regarding Chamba State. It is for the year 1904. Chapter I, Section C thereof is with regard to population. This Chapter begins at page 118 (1910 edition). At page 163, we find the description of "menial castes". It states that menial castes in the State of Chamba are numerically important for they include more than one-fourth of the entire population. It further states that their names are, for the most part, occupational and indicate the low social position. It should be noted here that in India almost every caste is associated with a particular profession or vocation. Of course, with the advance of the modern age this distinction of caste being known only through profession and vocation being gradually obliterated because under the Constitution and according to law member of a particular caste is not bound to engage himself only in the vocation or profession of the caste in which he is born. Reverting to the above referred Gazetteer, we find that at page 164 there is the mention of the castes of "Jogis". Following remarks are found with regard to Jogis:—

"The Jogis too are ambitious of being considered a superior caste. They are chiefly gardeners and farmers and are distinct from the professional ascetics of the same name, though like them many of them have the pierced ear".

This Chapter then refers to many menial castes such as "Badhis", "Mochis", "Halis", "Chamars", "Dumnas", "Kolis" and others. But it makes no reference to the caste known as "Dasali". This book is, therefore, not of much help in finding whether "Dasalis" formed a caste in Chamba State.

However, the above referred book on "Punjab Castes" written by Sir Denzil Ibbetson and published in the year 1916 gives exhaustive treatment to the subject. At pages

328 and 329, it gives a table of population showing the number of people belonging to "Menials of the Hills". With regard to Chamba area it refers to the population of "Dasalis" which is put at the figure of 45. This shows that according to the author there were 45 souls belonging to "Dasali" caste at the relevant time. This "Dasali" caste is given under the number 178 and at page 336 the following description is given with regard to "Dasalis":—

"The Dasali is a hill caste of superior standing to the Chamar, who makes the cups and platters of leaves which are used at Hindu weddings. The word is perhaps more the name of an occupation than of a caste, and is derived from dusa, the small piece of straw with which he pins the leaves together; but the Dasali is said not to marry out of his caste. Probably many of them have been returned as Kolis. They are a very low caste, but not out caste; indeed if they were, articles made by them would hardly be used for eating from".

In the same book at page 228, we find a reference to "Jogi" caste. Following relevant observations are found as against this caste:—

"The Jogi will presently be discussed under the head of Minor Professional Castes. It will there be explained that the word originally means nothing more than one who has by the practice of mental abstraction acquired the power of clairvoyance and similar faculties. But besides the low-class Jogi Rawal there described there are two sets of exceedingly respectable Jogi Faqirs, the Kanphatta who pierce their ears and the Augar who do not. The former are priests of Siva and are generally to be found in Shivalas. The latter too are Saiva, but are more secular. The Kanphatta is also called Darsbana".

Then at page 235 in the same book, we get further particulars as regards Jogi, Rawal and Nath. Thus, according to this book there existed in Punjab in early times the two castes named "Dasalis" and "Jogis".

There is one more book to which reference would be needed. That book is Volume XLI of Punjab States Gazetteers, Part B relating to Chamba State. This book is also an official publication and contains statistical tables for the year relating 1933. At page 28 is the Table No. 15 to tribes and castes. This table makes a reference relating to Jogi caste known as "Rawal", but makes no reference to Dasalis. But this does not rule out the existence of Dasalis at the relevant time because if a reference is made to the note at the top of the table it would be known that the table has omitted castes whose numbers are below 500. The table is based on Census Reports for the earlier years. It is likely that on account of small number of Dasalis their mention is omitted in this table.

However, the above referred pamphlet issued by the office of the Registrar-General, Ministry of Home Affairs, Government of India captioned as "Estimated Population by Castes, 1951" is important. This pamphlet contains two tables. Table I mentions the population of schedule castes, notified under President's Order, 1951, in the Census of 1911-31 and estimated population of these castes in 1951. This Table I shows that it does not contain any reference either to Dasalis or to Jogis. The conclusion, therefore, is that neither Dasalis nor Jogis were recognised belonging to a scheduled caste by the President in 1951 A. D. Table-II which is given in this pamphlet mentions the figures of remaining castes. This table refers to "Dasalis" at item No. 41 and "Jogis" at item No. 64. The population of Dasalis is shown at 104 in 1911, 146 in 1921 and 181 in 1951. Figure with regard to the year 1931 is not shown. The population of Jogis is shown at 2810 in 1911, 2121 in 1921 and 2,633 in 1951. Their population in 1931 is not shown. Thus, according to this pamphlet there was the existence of the "Dasali" caste in Himachal Pradesh in the year 1951.

From the above discussed evidence it can be safely concluded that there was the existence of Dasali caste in

the then existing State of Punjab in the year 1951 and even before that. It may be that so far as Chamba area is concerned, the population of "Dasalis" went on decreasing with the progress of time and therefore the witnesses examined by the respondent may not be much aware of the existence of this caste, and it is also likely that since Dasalis were carrying the profession of preparing platters and cups of leaves, even those persons who were doing this profession at Chamba continued to be known as 'Dasalis' even though they did not belong to Dasali caste. However, this particular aspect of the matter does not help us much in determining the question whether the respondent belongs to Dasali caste as alleged by the petitioner.

Before proceeding further, it is necessary to note that in none of the Schedules issued under the Order of the President, which are brought to my notice during the course of the hearing of this petition, I have found that "Dasali" is a scheduled caste. As already noted above, even Jogi caste is not shown as a scheduled caste in the First Order issued by the President in the year 1951. The learned Advocates of the parties have not been able to bring forth any material to show when actually 'Jogi' caste was put in the schedule by the President's Order. It is, however, found that in the year 1956, by Act 63 of 1956, Section 3 and Schedule II, 'Jogis' have been put in the Schedule regarding Himachal Pradesh. It would, therefore, follow that so far as the material which is produced before me is concerned, Jogis are found to have been put in that Schedule by the Order of the President in the year 1956. So far as the record of this matter is concerned, there is nothing to show that they were included in the Schedule at any time before 1956, and therefore I will proceed on the footing that Jogis were included in the Schedule for the first time in the year 1956. This aspect of the matter assumes some importance in view of the fact that 'the petitioner's allegation is that though the respondent's grandfather Ghasitu was a 'Dasali' upto the year 1952 he purported to change his caste and style himself a 'Jogi' from 1953 onwards with the intention of getting the advantage of belonging to a schedule caste. It is obvious that if Jogis are put in the Schedule for the first time in the year 1956 it cannot be successfully contended that three years before that, that is in 1953, there was any motive on the part of Ghasitu, the grandfather of the respondent, to change his caste.

As a matter of fact caste is acquired by a person belonging to Hindu society not by conversion but by birth. As observed by Farran, J., in *Raghnath Damodhar vs. Janardhan Gopal* reported in I.L.R.15 Bombay 599, the caste is a social combination, the members of which are enlisted by birth, not by enrolment. The caste is not a religious body, though its usages, like all other Hindu usages, are based upon religious feelings. It is essentially a social body which is governed and controlled by social traditions and customs peculiar to that body. As to the factors which should be taken into account for the purpose of determining whether a particular person belongs to a particular caste, Madgavkar, J., has observed in the Bombay case of *Subrao Hambhirao Patil vs. Radha Hambhirao Patil* reported in A.I.R. 1928 Bombay 295 that popular view lays down three tests for determining the class to which a Hindu belongs. According to him, these three tests are: (1) the consciousness of the caste; (2) its customs; and (3) the acceptance of that consciousness by the other castes. In my opinion, these three tests do provide a workable guide for considering whether a particular person belongs to a particular caste.

Another aspect of the case which should be borne in mind is that this is an election petition wherein, the community having gone to polls, a particular result has emerged. The question as to how the burden for challenging such election results is required to be discharged, has been well stated by the Supreme Court in case of *Laxman Siddappa Naik vs. Kattimani Chandappa Jampanna* reported in A.I.R. 1968 Supreme Court 929. Hidayatullah, J., speaking for the Court has in this case made the following observations which are pertinent, and which should be borne in mind at the time of appreciating the evidence produced by the parties in such cases. He says:—



"An election is something which cannot be readily set aside. There must be proof and convincing proof that a person is not properly chosen to fill a particular seat. Mere suspicion or surmise is not sufficient after the Returning Officer accepts a candidature and the candidate is chosen in the election. Once a community has gone to the polls and the voters have exercised their franchise it is necessary for a election petitioner to show that the candidate is not entitled to the seat. In other words, the burden originally lies on the election petitioner and he cannot succeed unless he discharges that burden. The High Court recognised that there was no evidence in the case but went into the matter from a different angle and attempted to contradict the Presidential Order which it was not entitled to do."

Speaking on the same subject, the learned Judge has observed in paragraph 7 of the reported judgment as under:—

"Once the nomination paper was accepted the burden must be assumed again by the party challenging the fact that a candidate belonged to a particular community. In *prima-facie* evidence had been led by the election petitioner the burden might have shifted to the candidate but as he led no evidence whatever he must obviously fail. This is not one of those cases in which both sides having led evidence the question where onus lies, becomes immaterial, since the court can reach a conclusion on the totality of the evidence before it. There was no evidence in this case one way or the other. In these circumstances, the election petitioner could not succeed because of the weakness of the appellant's case."

The controversy involved in that case mostly centres round the question as to what tribal community the appellant belonged. The election petitioner in that case asserted two facts, namely (1) that the appellant was not a Nayaka, and (2) that he was a Bedar. It was an admitted position in that case that Nayaka was the community mentioned in Presidential Order. The Supreme Court, therefore, observed that the first contention of the election petitioner that the appellant was not a Nayaka was a negative fact and the second contention that the returned candidate was a Bedar was a positive contention. Before the Supreme Court it was contended that the proof of the negative contention was not only difficult but was also impossible. The Supreme Court did not agree with this contention because in its opinion the election petitioner who challenged the election could have proved by positive evidence that the returned candidate was a Bedar. That proof, in the opinion of the Supreme Court, would have proved automatically that he was not a Nayaka. In this connection, the Supreme Court has further observed as under:—

"To establish the fact evidence was required to show the characteristics, such as customs of marriages, births, deaths, worship, dress, occupation and the like which distinguish a Bedar from a Nayaka. Evidence was also possible to show that the petitioner was received in the Bedar Community. This was capable of being proved by showing inter-marriage, inter-dining, community of worship, residence in a particular place and the like. Such facts would have led to the drawing of an inference one way or the other. A bare assertion that the appellant is a Bedar does not suffice to displace the acceptance of the nomination paper or the claim of the appellant that he is a Nayaka".

These observations made by the Supreme Court in the above referred case of *Laxman Siddappa Naik* are very pertinent even to the facts of the instant case.

Another consideration which has weighed with the Supreme Court in the above referred case of *Laxman Siddappa Naik* is the fact that the returned candidate was accepted as belonging to a particular community by his own party because the said candidate in that case was a party candidate. In case of a party candidate,

the Supreme Court has made the following pertinent observations in paragraph 9 of the reported judgment:—

"It is significant that he (returned candidate) was not an independent candidate but one chosen by a party. This party would not have been easily imposed upon and would have taken care to select the right person for the seat."

These observations show that the fact that a particular candidate is accepted by his party as a competent person to contest a particular reserved seat is also a factor which should be given proper appreciation by the Court in such election petitions.

Bearing these principles in mind, I shall now proceed to consider whether the petitioner in this case has satisfactorily discharged the burden of showing that the respondent belongs to the "Dasali" caste which is admittedly not one of the scheduled castes.

As already stated, both the parties have put heavy reliance upon the revenue record showing the caste of the respondent's grandfather Ghasitu. In order to understand this evidence, it would be necessary to state shortly the relevant pedigree of the respondent. This pedigree, as is revealed from the record of evidence, shows that there was one Jounga. Jounga's son was Jawala, Jawala's son was Ghasitu, Ghasitu's son is Mangtu, and Mangtu's son is respondent Mohan Lal. The revenue entries on which the parties have put reliance are with reference to respondent's grandfather Ghasitu the son of Jawala.

These revenue entries relied on by the parties can be classified as under:—

- (1) The entries showing the caste of Ghasitu in times of Chamba State which was at that time a princely State;
- (2) Entries relating to the period when Regular Revenue Settlement was first undertaken by the end of the year 1951; and
- (3) The revenue record which was prepared as a result of the said Regular Revenue Settlement.

So far as the first category of evidence is concerned, the caste of Ghasitu is shown as "Dasali" except in two documents which are found at Exs. PW. 1/2 and P.W. 2/13. Ex. P.W. 1/2 is dated 2nd Baisakh 1966 BK which is equivalent to 1909 A.D. This document mentions the caste of Ghasitu as "Jogi" which is spelled as "Joge". Ex. P.W. 2/13 is the copy of an entry from earlier Register Farsi (Record of Rights). It mentions the caste of Ghasitu as "Bafinda". Except these two entries, which fall in the first category, the remaining revenue entries belonging to the first category, mention the caste of Ghasitu as "Dasali".

So far as second category is concerned, we find that Ex. PW 2/9, which is "Khatauni" prepared before the regular revenue settlement was taken up, shows that upto the year 1952 A.D. Ghasitu was described as belonging to "Dasali" caste.

The third category refers to those documents which were prepared during regular revenue assessment which was already undertaken by that time. The first document belonging to this category is Ex. P.W. 2/10 which is the document of Tankhat (issues of title) which, as will be seen hereafter, was supposed to have been prepared after some enquiry as regards the issues of title during the course of re-settlement. This document Ex. P.W. 2/10 is dated 31st July, 1953 and mentions the caste of Mangtu the son of Ghasitu as "Jogi". All subsequent documents governed by this third category which are found at Exs. P.W. 2/11, P.W. 2/12, P.W. 2/14, P.W. 2/15, P.W. 2/16, P.W. 2/17 and P.W. 2/18 mention the caste of Mangtu as "Jogi".

The above is the broad classification of the revenue record which is relied on by both the parties. Before considering the evidentiary value of this revenue record, a



short narration of the facts leading to this record would be necessary so that its import can be properly assessed.

It is found that on 7th Magha, 1975 B.K. (equivalent to 1908 A.D.) some proceedings were taken against Ghasitu the grandfather of the respondent for making an encroachment on some land belonging to Chamba State. At Ex. P.W. 3/1 is the report with regard to this encroachment. This report mentions the caste of Ghasitu as "Dasali". It appears that pursuant to this report, one Sita Ram who was functioning as a Moharrar made his report as found at Ex. P.W. 1/1. It is dated 14th Chait, 1965 B.K. This report of Sita Ram, Moharrar, describes Ghasitu as a "Dasali". The report is in Urdu and English translation thereof is found at Ex. P.W. 1/1A. This translation wrongly inserts the word "caste" before the word "Dasali". The translation is made by the petitioner himself with the aid of somebody else. The petitioner seems to have put many such translations in the record of the case. Here it should be noted that these translations are not correct translations of the original because in some translations the word "caste" is added before the word "Dasali" when the original does not contain that word, and in some translations of some of the orders passed by the Ruler of Chamba State cause title is wrongly added even though same is not found in the original order. Therefore, in all these faulty and incorrect translations I have encircled the parts which are not found in the original. These parts need not, therefore, be read in those documents. This fact is required to be mentioned because in the cause titles which are wrongly added in the translations, Ghasitu's caste is mentioned as "Dasali" though the original orders do not contain any such thing. With this clarification, I would proceed further.

It is found that during the course of the investigation as regards the alleged encroachment made by Ghasitu, one person named Harzalu, who belonged to the same village to which Ghasitu belonged, filed his objections against the stand taken by Ghasitu. These objections are found at Ex. P.W. 1/2. They are dated 2nd Baisakha, 1966 B.K. This document Ex. P.W. 1/2 is already referred to above in this judgment. It should be recalled that Harzalu who had filed these objections has mentioned the caste of Ghasitu as early as in the year 1966 B.K. as "Jogi". This shows that even in the year 1966 B.K. (equivalent to 1909 A.D.) Ghasitu's caste was known as "Jogi" by a person belongs to his own village.

It is further found that on 25th Chait, 1965 B.K., the Ruler ordered to levy fine on Ghasitu for the said encroachment. This is found from the document Ex. P.W. 3/2. Compliance with this order of fine was made as is clear from the document Ex. P.W. 3/3.

It transpires that Ghasitu had requested the Ruler to make a grant of the land which was said to have been encroached upon. Therefore, the Ruler ultimately took his decision to grant this land to him on 9th Baisakha, 1966 B.K., as is clear from the document found at Ex. P.W. 1/3. Thus, ultimately these proceedings as regards encroachment resulted in the grant of this land in favour of Ghasitu. The grant evidenced by the Ruler's order found at Ex. P.W. 1/3 does not mention the caste of Ghasitu though it contains some heading regarding cause title and the subject matter which refers to Ghasitu as belonging to "Dasali" caste. But this heading, as already noted above, is not found in the original.

It is an admitted fact that after the above reference grant was made in favour of Ghasitu the land was mutated to the name of Ghasitu in a register called "Register Farsi". The relevant entry from this register is found at Ex. P.W. 2/1. This entry mentions the caste of Ghasitu as "Dasali". From Registrar-Farsi, entry was made in the register known as "Tankra Jamabandi". The entry is found at Ex. P.W. 3/4. It also mentions the caste of Ghasitu as "Dasali".

Documents relating to the above referred dispute with regard to encroachment said to have been made by Ghasitu are produced from a file which is known as "Collectory File No. 1625".

About 7 to 8 years thereafter, i.e. B.K. year 1972 which is equivalent to 1915 A.D., other proceedings were started. This time, they were started by Ghasitu and several others against one Gangu. Several documents having relation to this dispute are produced from Collectory File No. 334. I will make a short reference to these documents.

At Ex. P.W. 2/2 is the copy of an application said to have been made by Ghasitu and others to the authorities in Chamba State. This application is dated 20th Chait, 1972 B.K. (equivalent to 1915 A.D.). English translation of this document is found at Ex. P.W. 2/2A. This translation purports to be containing the signatures of the persons who filed the application, but the original does not contain any signatures. The translation also mentions a list of objectors. But even this translation of objectors is not correct because it mentions the word "caste" before the word "Dasali" with reference to Ghasitu. Subject to these corrections, it is found that Ghasitu, who is described as "son of Jawala Dasali", and others had filed this application Ex. P.W. 2/2. At Ex. P.W. 2/3 is the document which gives the list of objectors including Ghasitu. Its translation which is found at Ex. P.W. 2/3-A mentions wrongly the word 'caste' before the word "Ghasitu". At Ex. P.W. 2/4 is the map of the land with regard to which the dispute was raised. It refers to Ghasitu having his caste "Dasali".

It is found that even the land with regard to which Ghasitu and others had filed this objection was granted to them by the Ruler. This grant was made on 28th Jaith, 1975 B.K. Document found at Ex. P.W. 2/7 is the order of the Ruler evidencing this grant. The order itself does not mention any caste of Ghasitu or others, but even the cause title which is wrongly added in the Hindi translation does not refer to Ghasitu or his caste.

After the land was granted to the objectors as per Ex. P.W. 2/7, mutation entry was made in the register-Farsi as found at Ex. P.W. 2/8 in favour of the objectors. This Ex. P.W. 2/8 does show that Ghasitu's caste is mentioned as "Dasali". From register-Farsi the entry went to Tankra Jamabandi as found at Ex. P.W. 3/5 which also described the caste of Ghasitu as 'Dasali' though the word 'caste' is not found in the original before the word 'Dasali'. This is the summary of the documents relating to Collectory File No. 334. The last named entry in Tankra Jamabandi is for the year 1982 B.K. which is equivalent to 1925 A.D.

Thus, from the above record it is found that upto the year 1925 A.D. Ghasitu was mostly described as a 'Dasali'. The above discussed record falls within the first category out of the three categories mentioned above.

Reference to the entries from Tankra Jamabandi found at Exs. P.W. 3/6 to P.W. 3/13 shows that from 1995 B.K. to 2001 B.K. (equivalent to 1938 A.D. to 1944 A.D.) the grand-father of the respondent has been referred to as belonging to 'Dasali' caste. As there is not record from 1944 to 1951 A.D. when Regular revenue settlement was undertaken, it is not possible to know how the caste of Ghasitu or Mangtu was described, during this period.

It is found that after the regular revenue settlement was undertaken, one 'Khatauni' was prepared as found at Ex. P.W. 2/9. Petitioner's witness No. 2 Kewal Krishan, who is working as Sadar Kanungo at Deputy Commissioner's office, Chamba ever since the year 1974, and who has produced most of the above referred record explains, in his deposition why this Khatauni Ex. P.W. 2/9 was prepared and how it was prepared. He says that to make the record up-to-date for the regular revenue settlement which was undertaken this Khatauni Ex. P.W. 2/9 was prepared. According to this witness, this Khatauni is divided into three parts, namely Part-A, Part-B and Part-C. Part-A refers to entry No. 366 Nautor, and Part-B refers to work No. 9. The witness says that Part-A was taken from register Farsi which was already in existence. Part-B was taken from Jamabandi Tankra which was also already in existence. But Part-C was prepared by the concerned Kanungo after going to the spot. All these three parts of this Khatauni refer to Ghasitu as a 'Dasali'. The Kanungo who is said to have

prepared Part-C of this document and who has also signed this document is petitioner's witness No. 7 Hoshair Singh who claims that he had prepared Part-C which mentions the caste of Ghasitu as 'Dasali' after verifying the details on the spot. As already noted above, petitioner puts heavy reliance upon this part of evidence to show that Ghasitu belonged to 'Dasali' caste. This Khatauni has been prepared on 27th February, 1952.

Evidence reveals that just after the above referred Khatauni was prepared, issues of title were determined by the settlement officer who was conducting the regular revenue settlement proceedings. The documents relating to these issues of titles are known as 'Tankihat'. What is the meaning of this 'Tankihat' is explained in the Settlement Report which is prepared by one Shri Thakur Sen Negi. This report is produced before me by the learned Advocates of the parties. It is captioned as 'Settlement Report of Chamba District (First Regular Settlement 1951-58) dated 30th July, 1966'. At page 21 of that Report, in paragraph 70 the expression 'Tankihat' is explained as under :—

“70. Issues of titles (Thankihat):—

In a revisional settlement, the basis for title consists in the presumption of truth attaching to the entries in the Record of Rights of the previous settlement. In a first regular settlement, when either no previous record of any kind exists or there is a record but it does not command any presumption of truth in favour of its entries, issues of title have, for the first time, to be settled before entries pertaining to title are made in the Record of Rights. As mentioned in Paragraph 48, 48565 issues of title had to be settled in this settlement.”

This shows that the record known as Tankihat is not the result of any mechanical process of adopting entries found in the existing revenue record especially in case where the regular settlement takes place for the first time and the existing record does not carry with it any statutory presumption of truth. This particular aspect of the case is very important in view of the petitioner's contention that though Ex. P.W. 2/9 which was prepared in the month of February, 1952 mentions the caste of Ghasitu as Dasali, the subsequent Tankihat record found at Ex. P.W. 2/10 wrongly mentions that caste as Jogi. According to the learned Advocate of the petitioner, the sudden change in the caste of Ghasitu in the Tankihat record is inexplicable and is not supported by any regular order and, therefore, should be ignored. The above quoted paragraph 70 of the Settlement Report, however shows that Tankihat record does not depend upon the previous entries found to have been made without regular settlement and is the outcome of certain enquiry regarding the issues of title. In other words, according to the above quoted paragraph 70, Tankihat record is an independent record not depending upon the facts already found in the existing record which does not carry with it any statutory presumption of truth. With these observations, I would proceed to narrate the Tankihat record and other record which subsequently followed as a result of the finalisation of the regular settlement.

Ex. P.W. 2/10 is the Tankihat record, which as already noted above, was prepared on 31st July, 1953. This mentions the caste of Mangtu as Jogi. Evidence shows that along with this Tankihat record, the settlement officer is supposed to settle the pedigree of the parties concerned. Ex. P.W. 2/11 is such a pedigree relating to the ancestors of the respondent. This pedigree also mentions the caste of his ancestors as Jogi. After the settlement of issues, as evidenced by Tankihat record, Missal Hakiyat which means the Record of Right was prepared as found at Ex. P.W. 2/12 which also mentions the caste of Mangtu as Jogi.

At Ex. P.W. 2/14 is the Khatauni relating to the above referred Collectory File No. 334. It is similar to the Khatauni found at Ex. P.W. 2/9 which was prepared in 1952. This Ex. P.W. 2/9 was prepared with regard to

Collectory File No. 1625, while this Khatauni Ex. P.W. 2/14 was prepared with regard to another land which is referred to in Collectory File No. 334. Obviously this Khatauni Ex. P.W. 2/14 was prepared before Tankihat record was prepared and it mentions the caste of Ghasitu grand-father of the respondent as Dasali. However, one pedigree is found at the back of this document. This pedigree mentions the caste of the ancestors of the respondent as Jogi. According to petitioner's witness No. 2 Kewal Krishan, to whom reference is made above, such pedigrees are prepared after making enquiry on the spot (vide pages 13 and 14 of the deposition of the record.)

Subsequent documents which are found on the record of the case are Jamandis of the various years which follow. They are Ex. P.W. 2/15 which is Jamabandi for the year 1963-64 with regard to one piece of land; Ex. P.W. 2/16 which is for the same year with regard to another piece of land Ex. P.W. 2/17 which is record of rights; and Ex. P.W. 2/18 which is Tankihat record of 1955. All this record shows that Mangtu the father of the respondent is mentioned as belonging to Jogi caste.

In view of the above state of affairs in the revenue record, the learned Advocate of the petitioner emphasised the fact that the forefathers of the respondent have been originally described as belonging to Dasali castes, and since the caste is a matter of birth, this caste could not have been changed either by the respondent, or by any of his ancestors. According to him, therefore, even if the subsequent revenue record their caste is mentioned as Jogi, that should be ignored and it should be held that the respondent belongs to the 'Dasali' caste to which he seems to have belonged right from the year, 1908 A.D.

In view of these contentions, it is first necessary to consider whether from the revenue record which existed in Chamba State it can be positively said that respondent's forefathers did belong to 'Dasali' caste. In other words, the question to be considered is whether this revenue record is sufficient to prove the caste of the respondent. While considering this question, there are some other important aspects of the matter which should be borne in mind.

The first aspect of the matter is that it is nowhere found in the record, which is relied on by the petitioner, that Ghasitu or any other forefather of the respondent had ever described himself as belonging to Dasali caste. If there was any description such as the one which Sita Ram, Moharrar, preferred to give, it would obviously not bind Ghasitu or any of the forefathers of the respondent so long as it is not shown that the same was admitted by him as correct. Moharrar Sita Ram's report found at Ex. P.W. 1/1 shows at the most that in the opinion of Sita Ram, Ghasitu was a Dasali, but there is nothing to show whether he formed this opinion after considering the caste to which Ghasitu belonged, or after considering the profession to which he belonged. Now, even if it is believed that Moharrar Sita Ram knew Ghasitu as belonging to Dasali caste, that aspect of the matter does not improve petitioner's case because in the same period, i.e. in the year 1909 A.D. one Harzalu, who belonged to the same village to which Ghasitu belonged, had described Ghasitu as a person belonging to Jogi caste. This is evident by reference to Ex. P.W. 1/2. Moharrar Sita Ram admittedly did not belong to the village of Ghasitu and therefore his opinion about the caste of Ghasitu cannot carry greater weight than the opinion of Harzalu. Therefore, the evidence as disclosed from Ex. P.W. 1/1 and P.W. 1/2 shows that there was no uniformity in identifying the caste of Ghasitu amongst people who were known to Ghasitu.

Much was made, in my opinion, unnecessarily, of the decision given by the Ruler in the year 1966 B.K. regarding grant in favour of Ghasitu of the dispute land as found from the document Ex. P.W. 1/3. It was contended that the Ruler of Chamba State was sovereign and his word was law and therefore if that Ruler described Ghasitu as belonging to Dasali caste the said description becomes law. The argument deserves to be summarily rejected for various reasons. The first reason is that the order found at Ex. P.W. 1/3 nowhere mentions the name of Ghasitu and no where describes him as belong-

ing to Dasali caste. This order is no doubt passed in the file No. 1625 but the cause title of the file and description found therein do not become the part of the decision given by the Ruler. Another important reason is that the Ruler of Chamba State was not called upon to give decision as regards Ghasitu's caste. That question as regards Ghasitu's caste was not in dispute before him. What was in dispute was whether Ghasitu, whatever be his caste had encroached upon the land in question. The Ruler ultimately decided this question of encroachment and then ordered the grant in favour of Ghasitu as per the document found at Ex. P.W.1/3. Under the circumstances, it is not possible to say that the Ruler had given any decision which amounted to law on the question of Ghasitu.

Petitioner's witness No. 2 Kewal Krishan has admitted in his deposition that nowhere in the revenue record of the Chamba State he has been able to notice any documents showing that Ghasitu had admitted that he belonged to Dasali caste. At any rate, no such document is produced in the record of this case. Therefore, the result is that during the course of the administration of Chamba State, Ghasitu was mostly described as Dasali. The question whether he was a Dasali or a Jogi has never cropped up before any revenue authorities of the erstwhile Chamba State and therefore if Ghasitu was described as a Dasali it only means that the concerned Revenue Authorities identified him to be a Dasali. One does not know on what material this identification was based.

However, the question is whether this description in the revenue record of the old Chamba State carries any presumption of truth or any evidentiary value. My answer to this question is in the negative, firstly, because, this revenue record of Chamba State was not prepared on the strength of any regular and systematic revenue settlement, and secondly, because there was no statute prevailing at that time under which it was obligatory on the concerned revenue authorities to mention the caste of a holder of a land in the relevant revenue entries. I have perused the relevant portions of the Gazetteers which are produced before me, and I have found that there is nothing therein to suggest that Chamba State had any systematic procedure for the preparation of revenue records. From all that I have noticed, it has been found that this revenue record was prepared in rather haphazard manner, and this would be evident from some of the materials which I have come across and which I propose to quote hereafter. It, therefore, follows that if some revenue official not acting under any systematic procedure prescribed by law, preferred to describe Ghasitu and others of the respondent's family as 'Dasali' in all probability, the said description was made in a casual and haphazard manner not carrying any presumptive or evidentiary value. In fact, it is found that in the register Farsi produced at Ex.P.W. 2/13 Ghasitu's caste is mentioned as "Bafinda". Now, it is nobody's case that Ghasitu ever belonged to 'Bafinda' caste. This aspect of the matter goes to emphasise that the revenue record prepared in times of Chamba State was not systematized or regular, and in all probability it depended much upon the hazy impression carried by the officers who prepared the record.

At this stage, it would be necessary to quote certain observations regarding the condition of the original settlement prevailing in times of Chamba State found in the Settlement Report made by Mr. Negi. These observations are found in Chapter III of the Report.

They are as under:—

"40 Introductory Account:—

The settlement operation, Chamba district, began about the middle of November, 1951. This was the first regular settlement of the Chamba district. The summary settlement preceding it, and carried out some three quarters of a century before, by Colonel Blair Reid had not stipulated any particular duration. In fact it was not any settlement at all worth the name. No formal assessment

report, nor any formal settlement report, was ever written. Even the assessment was not made on any systematic and uniform basis principles. To be more precise, no assessment was at all made in that operation by Colonel Reid. All that he did was, as mentioned in Para 30, to record the State demand that each holding was actually meeting at the time of the summary survey and summary record work carried out by him.

The need for the regular settlement arose as much out of the necessity for a regular record as from the inequities and hardships.....the record of the old system was no good for modern purposes."

Reference to Punjab States Gazetteer, Vol. XXIIA relating to Chamba State, shows some history as regards land revenue. In Chapter III, Section-C which begins at page 267, under the caption "original system of assessment" at page 270, it is mentioned that in former times the revenue was assessed according to the amount of seed and quality of the soil, and was realised in kind and cash, called collectively sal bachh. Further development in the collection of revenue is thereafter mentioned. But there is nothing therein to show on what principles the said revenue was collected. It is found that some attempt to systematise the thing was made by Colonel Reid to whom the reference is made by Mr. Negi in his report, but as stated therein even this summary settlement made by Colonel Blair Reid was not systematic.

Under these circumstances, no presumption, statutory or otherwise, can flow from the revenue record of Chamba State with regard to the caste of the respondent and his ancestors. In *Sadiq Hussain vs. Anup Singh* (A.I.R. 1924 Lahore 151) the Lahore High Court has held that since the statement as regards caste of a land-owner was at the time not a statement covered by section 31 of the Punjab Land Revenue Act as it stood then, there is no presumption about the correctness of caste entry made in the revenue record. Reference to Punjab Settlement Manual by Sir James M. Douie, page 151, shows that it was for the first time in the month of June, 1926 that by Financial Commissioner's notification No. 1686-R, the caste and residence of the persons holding revenue-paying land were required to be described in the revenue record. In the State of Punjab. But so far as Chamba State is concerned, there was no such provision and, therefore, on the authority of the above referred Lahore High Court decision the petitioner cannot derive any benefit arising from any presumption, statutory or otherwise, from the caste description of the ancestors of the respondent found in the revenue record of the Chamba State.

The foregoing discussion of the position of the revenue record of the Chamba State and the subsequent revenue record which was prepared during regular settlement and thereafter, shows that there is conflict between the two records as regards the caste of the respondent's forefathers. When there is such a conflict between the record which is the outcome of a summary settlement and the record which is result of a regular settlement, it is the latter type of record which must be preferred for the simple reason that the record which is the result of regular settlement is not only systematic and is prepared after good deal of care but it also carries with it a statutory presumption of correctness. At page 24 of the Punjab Settlement Manual by Sir James Douie, we find the following observations in this connection:—

"44 Difference between summary and regular settlements:—

.....  
.....  
Legally the chief difference between the two lies in the fact that no presumption of truth, such as is attached to entries in records-of-rights prepared at regular settlements (section 16 of Act

XXXIII of 1871), belongs to similar entries made at summary settlement. An officer making a record-of-rights at a first regular settlement could alter any entry made at a summary settlement simply on the ground that he considered it incorrect. An officer making a resettlement under Act XXXIII of 1871 had no such power with reference to the entries in records-of-rights framed at a first regular settlement (section 19 of Act XXXIII of 1871)."

These observations also explain why the Tankihat found at Ex. PW. 2/10 carries greater weight than the Khatauni found at Ex. PW. 2/9. This Tankihat shows that the revenue authorities had accepted the caste of Mangtu the father of the respondent as Jogi in Preference to the previous description found in Khatauni found at Ex. PW. 2/9 as Dasali. In *Saddu vs. Mami Ram* (A.I.R. 1931 Lahore 139) even the Lahore High Court has observed that summary settlements had not the same value as regular settlements and that the presumption arising from entries in a regular settlement cannot therefore be rebutted by entries in an earlier summary settlement.

The same view has been taken by Patna High Court in *Shaikh Banka vs. Shaikh Bartul* reported in A.I.R. 1952 Patna 157. In the case of *Shri Raja Durga Singh vs. Tholu* reported in A.I.R. 1963 supreme Court 361, the Supreme Court has discussed the question as regards conflict between entries in revenue record and has held that where there is such a conflict: it is the latter entry which is substituted for the old one which should prevail. As already noted above, pedigrees relating to the ancestry of the respondent had been prepared during the regular settlement. Petitioner's witness No. 2 Kewal Krishan says that there was no procedure in the Chamba State to prepare such pedigree tables. It is, therefore, found that these pedigrees were prepared for the first time during revenue settlement. The value of such pedigree tables is explained by Punjab High Court in *Mangal Singh vs. Manphul Singh Jaimal Singh* reported in A.I.R. 1961 Punjab 251, wherein it is held that pedigree tables prepared at the time of settlement form part of the record-of-rights as prescribed under section 31(2)(d) of the Punjab Land Revenue Act and therefore the presumption of truth must extend to such pedigree tables until the contrary is proved or a new entry is lawfully substituted therefor. I have already referred to the relevant pedigree entries which are produced in this case. They all describe the father and the grandfather of the respondent as belonging to 'Jogi' caste and not to 'Dasali' caste.

As already noted above, the learned advocate of the petitioner relied heavily upon the Khatauni Ex. PW. 2/9 which has been prepared in the year 1952 immediately followed by a Tankihat found at Ex. PW. 2/10 prepared in the year 1953. It is here that the different caste of the father of the respondent is mentioned. Now, in this connection, he put reliance upon the following deposition of the witness No. 2 Kewal Krishan.

He deposes as under:—

"In Ex. PW. 2/10 the entries are brought from Ex. PW. 2/9 which is 'Khatauni' regarding which entry is made in column No. 6 of Ex. PW. 2/10. In Ex. PW. 2/10 in column No. 3 there is an entry 'Mangtu son of Ghasitu, Caste Jogi'. It is true that in Ex. PW. 2/9 from which the above referred entry Ex. PW. 2/10 is made, mentions the caste of Mangtu son of Jawaala as 'Dasali'. In column No. 4 of Ex. PW. 2/10 there is a statement of Mangtu which bears some thumb impression purporting to be Mangtu. I cannot say how Mangtu's caste is written as 'Jogi' in Ex. PW. 2/10 because I do not know of any record from which this caste as 'Jogi' was described therein. I have not come across any record showing the order of competent authority that the caste of Mangtu should be changed from 'Dasali' to 'Jogi'.

Relying upon this part of the deposition of the witness, it was vehemently contended that since the witness has not come across any record showing the order of the competent authority that the caste of Mangtu should be changed from 'Dasali' to 'Jogi', it should follow that the change in caste of Mangtu made in Ex. PW. 2/10 is made without any authority. This contention is not acceptable because in the first place the statement of the witness that entry in Ex. PW. 2/10 is made from Khatauni found at Ex. P.W. 2/9 as it is and without any change, is not found to be acceptable in view of the above quoted paragraph 70 of the Settlement Report. Reference to the other paragraph of this settlement Report shows that Tankihat register was prepared after the issues of title were determined.

According to paragraph 70 of the Report, about 48,000 and odd issues of title were settled by the settlement Officer. This means that Tankihat record was prepared after some independent enquiry and the entries therein were posted not merely from the previous record which was existing but also from some other material which was gathered at the time of the Settlement of the issues of title. If PW. 2 Kewal Krishan did not come across any record showing an order of competent authority that caste of Mangtu should be changed, that does not mean that no such record existed. Presumption as to the official acts is that they are done in accordance with procedure. Therefore, when entries in the Tankihat record found at Ex. PW. 2/10 were posted, they should be presumed to have been posted regularly and according to law.

Thus from the revenue records, the petitioner has not been able to show that the respondent belongs to 'Dasali' caste.

Oral evidence which is produced by the petitioner is to the effect that when members of the 'Dasali' caste die, they are cremated, but when the members of the 'Jogi' caste die, they are buried. On this point, the contention of the respondent is that there are sub-castes in Jogis and therefore the custom of burial of the dead in the Jogi caste is not uniform in all the sub-castes. Evidence on this point is offered by both the parties through certain witnesses who have deposed from their memory about some burials and cremations which have taken place several years ago. I don't want to place reliance on this type of evidence as it is not found to be quite safe to determine such an important question relating upon the memories of the witnesses who have come to depose in court many years after the event.

It is, however, found from the record of the case that the respondent and his close relatives have married in the families belonging to Jogi caste. At Ex. PW. 2/19 and Ex. P.W. 2/20 are respectively the record-of-right and pedigree table relating to one Nidhia who is the father-in-law of one of the borthers of the respondent. The caste of this Nidhia is shown as Jogi which proves that the respondent's said brother is married in the family belonging to Jogi caste.

The respondent is R.W. 4. He has produced in his deposition Exs. R. W. 4/1 and R. W. 4/2 they are relating to one Madho Ram who is respondent's father-in-law. His caste is described in these two documents as Jogi. Moreover, at Ex. R. W. 4/3 is the record of rights and Ex. R. W. 4/4 the pedigree relating to one Hardeo of Narua. This Hardeo is the father-in-law of respondent's brother Prem Lal and sisters Shakuntala and Vidya. This Hardeo is described in these two documents as belonging to Jogi caste which shows that the brother and the sisters of the respondent are married in the Jogi family.

Again, at Ex. R.W. 4/5 and Ex. 4/6 are respectively the pedigree and record-of-rights relating to one Piaru who is related to the respondent as his maternal uncle. Even he is described as belonging to Jogi caste.

All this evidence goes to show that social connections of vital importance which the respondent has are only



with the members of the Jogi caste. This gives sufficient support to the respondent's case that he is Jogi by caste.

The respondent has put further reliance upon the relevant family registers kept by the Gram Panchayat. The entries from these registers are proved through the deposition of R.W. 2 Gian Chand. At Ex. R.W. 2/1 is the entry relating to the details of the family of respondent's father. At Ex. R.W. 2/2 are similar details from the subsequent family register. At Ex. R.W. 2/3 is entry from the family register relating to one Raghubir Dass who is the father-in-law of one of the brothers of the respondent. At Ex. R.W. 2/4 is the entry from family register relating to Madho Ram the father-in-law of the respondent. These entries are relied on by the respondent to show that in the family register kept in the Gram Panchayat his own family and the families of his near relatives are shown to be belonging to Jogi caste. This R.W. 2 Gian Chand has further deposed after perusing the whole of the two registers produced in the Court that in these registers there is no family which is recorded as belonging to Dasali caste. Witness says that these family registers are maintained under instructions from the Government.

There is nothing to dispute the statement of the above referred witness that these family registers are maintained pursuant to the instructions issued by the Government. These registers are, therefore, official register even though they are not shown to have been kept under statutory provisions. Being official registers, entries posted therein stating the caste of the families mentioned in these entries are relevant under section 35 of the India Evidence Act. The learned Advocate of the petitioner contended that according to R.W. 2 Gian Chand, entries in these registers are brought from 'birth and death registers' kept by the Panchayat and therefore so long as these birth and death registers, which are the source of these entries, are not produced, no reliance can be placed upon these family registers. This argument is not acceptable because if these family registers are found to be official registers and if the entries therein are found to have been posted in due course of official business, then they themselves would be relevant as primary evidence under section 35. Their evidentiary value is to be assessed with reference to the facts of the case, and since there is nothing in evidence which would detract anything from their evidentiary value, I don't find anything wrong in relying upon these entries. As stated above, these entries give sufficient support to the case of the respondent.

The respondent has also relied upon the entry as regards his admission in Government High School at Sarol. This admission entry in that School is proved through the deposition of R.W.-1 Goverdhan Gurang. He is the Headmaster of Government High School, Sarol and the admission entry which he has produced is at Ex. R.W. 1/1 dated 28th June, 1951, this entry shows that as early as 1951 the caste of the respondent was shown as Jogi. It is found from the deposition of R.W.1. Goverdhan that this admission entry Ex. R.W. 1/1 was made on the strength of the admission from which was filled in and the respondent was admitted in the School. It was, therefore, contended that unless this admission form was produced and proved, no reliance can be placed on this admission entry Ex. R.W. 1/1. Against this argument is not acceptable in view of the provisions of section 35

because the School register is official register which is kept in discharge of official duties by the concerned school authorities. It is true that there are certain decisions which assess the evidentiary value of school certificates with great caution. But the question of assessing the evidentiary value of the records which are relevant under section 35 of the Evidence Act depends upon the facts of each case. So far as this case is concerned, there is nothing to show that the entry found at Ex. R.W. 1/1 is not reliable. In my opinion, therefore, even the proof of this entry goes to support the case of the respondent.

Through the deposition of R. W. 3 Dr. S. M. L. Grover who is Director of Health Services, Himachal Pradesh, the respondent has produced three documents found at Exs. R.W.3/1, R.W. 3/2 and R.W.3/3, Ex. R.W. 3/1 is the interview chart dated 10-12-1963 prepared when the respondent was recruited as a Clerk in the Government service. This document shows the caste of the respondent as Jogi. Ex. R.W. 3/2 is the seniority list of clerks wherein the name of the respondent is shown at serial No. 151. It is dated 10-6-1974. This seniority list describes the respondent as belonging to schedule caste without mentioning the name of the caste. Both these documents are based on the information given by the respondent himself in the year, 1963 when he was recruited. But the fact remains that in the year 1963 the respondent claimed to be a member of Jogi caste even though it was not necessary for him to do so because at the time of his recruitment in Government service no special quota for any schedule caste member was reserved for recruitment. At Ex. R.W. 3/3 is the copy of the proceedings of the Departmental Promotion Committee held on 19-8-1974. That shows that he was promoted in the schedule caste quota. These documents, therefore, show that right from the year 1963 to the year 1974 the respondent has been treated as belonging to schedule caste in the Government record.

The above discussed evidence is in my opinion, sufficient to refute the petitioner's stand that the respondent belongs to the caste known as 'Dasali'. On the contrary, the evidence supports the respondent's case that he belongs to 'Jogi' caste which is one of the castes mentioned in the Schedule.

In view of this position, I don't find it necessary to detain myself more on the oral testimony of different witnesses going to prove the custom of burial or cremation prevalent in the members of the 'Jogi' caste and 'Dasali' caste.

I, therefore, decide the issue No. 1 in the negative, i.e., against the petitioner, and Issue No. 2 in the affirmative, i.e., in favour of the respondent.

The result of these findings is that this election petition should fail. The same is therefore, dismissed with costs.

T. U. MEHTA,  
Acting C.J.

By order,  
V. NAGASUBRAMANIAN,  
Secretary to the Election Commission of India.

## अनुपूरक

देखिए पृष्ठ 867 to 871

## PART II

कार्यालय उपायुक्त (जिला निर्वाचन अधिकारी)

चम्बा जिला, हिमाचल प्रदेश

अधिसूचनाएं

चम्बा-176310, 17 अगस्त, 1978

संस्था 3-चम्बा-7/(निर्वाचन)/78—जबकि जिला चम्बा की नगरपालिका डलहौजी के निर्वाचित सदस्यों तथा सहचिकित्सक सदस्यों

की द्वितीय बैठक 14 अगस्त, 1978 को प्राधिकृत अधिकारी (उप-खण्ड अधिकारी) (नागरिक) डलहौजी की अध्यक्षता में सम्पन्न हो चुकी है और उक्त बैठक में प्रधान व उप-प्रधान का निर्वाचन सम्पन्न किया जा चुका है;

अतः अब मैं घोषणा करता हूँ, उपायुक्त चम्बा, हिमाचल प्रदेश नगरपालिका अधिनियम, 1968 की धारा 23 (1) तथा हिमाचल

प्रदेश नगरपालिका (निर्वाचन) नियम, 1970 के नियम 84 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए उपर्युक्त नगरपालिका से निर्वाचित प्रधान व उप-प्रधान के नामों को एतद्वारा जन-साधारण की सूचना हेतु निम्न सारणी में अधिसूचित करता हूँ :-

## सारणी

नगरपालिका का नाम 1	निर्वाचित प्रधान का नाम व पता 2	निर्वाचित उप-प्रधान का नाम व पता 3
डलहौजी	श्री अशोक कुमार, ग्रैन्ड व्यू होटल, नगरपालिका डलहौजी, तहसील भटियात, जिला चम्बा।	(1) श्री संसार चन्द (वरिष्ठ) ग्राम लोहली, डा 0जी 0पी 0ओ 0 नगर पालिका डलहौजी तहसील भटियात, जिला, चम्बा।  (2) श्री ब्रज मोहन, (कनिष्ठ), मैट्रो-स्टूडियो, जी 0 पी 0 ओ 0 डलहौजी, तहसील भटियात, जिला चम्बा।

चम्बा-176310, 17 अगस्त, 1978

संख्या 3-चम्बा 7 (निर्वाचन)/78.-जबकि जिला चम्बा की नगरपालिका, चम्बा के निर्वाचित सदस्यों तथा सहविकल्पित सदस्यों

की द्वितीय बैठक 16 अगस्त, 1978 को अधोहस्ताक्षरी की अध्यक्षता में सम्पन्न हो चुकी है और उक्त बैठक में प्रधान व उप-प्रधान का निर्वाचन सम्पन्न किया जा चुका है ;

अतः अब, मैं, योगेश खन्ना, उपायुक्त, चम्बा, हिमाचल प्रदेश नगरपालिका अधिनियम, 1968 की धारा 23 (1) तथा हिमाचल प्रदेश नगरपालिका निर्वाचन नियम, 1970 के नियम 84 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए उपर्युक्त नगरपालिका से निर्वाचित प्रधान व उप-प्रधान के नामों को जन-साधारण की सूचना हेतु निम्न सारणी में अधिसूचित करता हूँ :-

## सारणी

नगरपालिका का नाम 1	निर्वाचित प्रधान का नाम व पता 2	निर्वाचित उप-प्रधान का नाम व पता 3
चम्बा	श्री जय शंकर प्रसाद, मुहल्ला सुराड़ा, चम्बा टाऊन।	श्री देवेन्द्र कुमार, मुहल्ला चौतड़ा, चम्बा, हिमाचल प्रदेश।

योगेश खन्ना,  
उपायुक्त।

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**Daily Rainfall recorded at 74 Raingauge Stations in Himachal Pradesh for the  
Month of November, 1974**

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## DAILY RAINFALL RECORDED IN HIMACHAL

District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
<b>Bilaspur:</b>																				
Sadar	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ghumarwin	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Raghunathpura	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bilaspur Obs.	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Chamba:</b>																				
Chamba	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ludrera	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7.0
Chhatrari	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bhandal	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chowari	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bathri	..	—	—	—	—	—	—	—	—	—	—	—	2.5	—	—	—	—	—	—	—
Kalatop	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bharmour	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tissa	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bhanota	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kilar	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Hamirpur:</b>																				
Hamirpur	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Kangra:</b>																				
Palampur	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dehra	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kangra	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dharamsala	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nurpur	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Kulu:</b>																				
Kulu	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Banjar	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Kinnaer:</b>																				
Nichar	..	—	—	—	—	—	—	—	—	—	—	1.2	2.1	—	—	—	—	—	—	—
Kilba	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sangla	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kalpa	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Purbani	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Leh and Spiti:</b>																				
Keylong	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kaza	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
<b>Simla:</b>																				
Rampur	..	—	—	—	—	—	—	—	—	—	—	—	—	3.0	—	—	—	—	—	—
Rohru	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jubbal	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chepal	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Treog	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kumarsain	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Junga	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kasumpti	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sun	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kotkhai	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Fashla	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rhathale	..	—	—	—	—	—	—	—	—	—	—	0.1	—	—	—	—	—	—	—	—
Shillaroo	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pavala	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kotgarh	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Phancha	..	—	—	—	—	—	—	—	—	—	—	—	—	10.4	—	—	—	—	—	—
Mishobra	..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—



### DAILY RAINFALL RECORDED IN HIMACHAL

[illegible]



